EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These regulations made under section 93 of the Town and Country Planning Act, 1947 (as set out in section 50 of the Town and Country Planning Act, 1954 and amended by paragraph 21 of the Eighth Schedule to the Local Government Act, 1958)

(1) provide for payment of Exchequer grants to local authorities in respect of—

(*a*) (part II of the regulations) expenditure incurred in connection with the acquisition, clearing and preliminary development of land acquired under planning powers for war damage redevelopment and in respect of land appropriated to planning purposes for such redevelopment,

(*b*) (part III) expenditure incurred in the payment of expenses in connection with restrictions on coal mining imposed by or under the Act of 1947; and

(2) determine the basis and method of calculation of such grants and lay down the terms and conditions of payment.

1959 No. 1287

The Town and Country Planning (Prescribed Forms of Notices) Regulations, 1959

Made - - - -	*27th July*, 1959
Laid before Parliament	*29th July*, 1959
Coming into Operation	*16th August*, 1959

The Minister of Housing and Local Government, in exercise of the powers conferred on him by subsection (2) of section 55 of the Town and Country Planning Act, 1959(a), and of all other powers enabling him in that behalf, hereby makes the following regulations :—

1. These regulations may be cited as the Town and Country Planning (Prescribed Forms of Notices) Regulations, 1959, and shall come into operation on the 16th day of August, 1959.

2. The Interpretation Act, 1889(b), shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

3. The forms set out in the schedule hereto or forms substantially to the like effect are the prescribed forms of notice for the purposes of subsection (2) of section 14, subsection (2) of section 16, subsection (2) of

(a) 7 & 8 Eliz. 2. c. 53. (b) 52 & 53 Vict. c. 63.

section 19, subsection (3) of section 20, subsection (3) of section 21 and subsection (2) of section 39 respectively and of counter notice for the purposes of subsection (1) of section 40 of the Town and Country Planning Act, 1959.

FORM 1
S. 14 (2)

SCHEDULE

TOWN AND COUNTRY PLANNING ACT, 1959

Sections 14 and 15

NOTICE OF INTENTION TO PROCEED WITH COMPULSORY ACQUISITION OF LAND

(*a*) Insert name and address of addressee.

(*b*) Insert name of acquiring authority.

(*c*) Insert nature of interest to be acquired.

(*d*) Insert name of person on whom the original notice to treat was served.

(*e*) Insert address of service.

(*f*) Insert reference to the authorisation.

TO (*a*) .....

THE (*b*).....
in compliance with the provisions of section 14 (2) of the Town and Country Planning Act, 1959, HEREBY GIVE YOU NOTICE that they intend to proceed with the compulsory acquisition of the (*c*).....
interest in the land specified in the schedule hereto which land was the subject of a notice to treat served on (*d*).....at (*e*).....
on the.....day of.....19..... in pursuance of the (*f*) ....

SCHEDULE

The land above referred to

DATED this.....day of.....19.....

.....
Clerk of the Council,
Town Clerk, etc.

Explanation of the provisions of sections 14 *and* 15 *of the Town and Country Planning Act*, 1959

1. Section 14 requires a public authority having powers of compulsory purchase and intending to proceed with the compulsory purchase of land in respect of which a notice to treat was served before 6th August, 1947, to serve a notice in the above form before the end of the period of six months beginning with the commencement of the Act, which was 16th August, 1959.

2. The notice to treat will cease to have effect if, within one year from the date of the service of this present notice, the amount of the compensation has not been agreed and no proceedings have been begun for the determination of any question relating to that compensation, but this does not apply if the authority have taken possession of the land.

3. The service of this present notice does not affect any question as to the validity of the original notice to treat.

4. As regards your *COMPENSATION*

(i) You may choose to have your compensation calculated as if the notice to treat had been served on 1st January, 1958. If you do so choose, you must say so in a notice of claim. The particulars required are set out in section 5 (2) of the Acquisition of Land (Assessment of Compensation) Act, 1919. The claim must be served on the council *within six months of the date of service of this notice.* If you do not choose to have your compensation calculated as above it will be calculated on the basis applicable at the date of the actual service of the notice to treat.

A Form of claim is { *attached* / *obtainable from the acquiring authority* / *obtainable from Her Majesty's Stationery Office and any law stationers* }

(ii) This right of choice is *not* available if you bought your interest in the land or otherwise acquired it for valuable consideration after the date on which the notice to treat was served, or if you derive your title to it from someone who so acquired it after that date.

(iii) If, after you have made a claim as in (i) above, the authority decide not to proceed with the purchase and withdraw the notice to treat, you will be entitled to recover from them any loss or expenses referred to in section 5 (2) of the Acquisition of Land (Assessment of Compensation) Act, 1919 (i.e. loss or expenses occasioned by the notice to treat having been given and withdrawn) incurred *after* the service of this notice and also reasonable expenses incurred *before* the service of this notice in preparing and supporting your compensation claim.

TOWN AND COUNTRY PLANNING ACT, 1959

FORM 2
S. 16 (2)

Section 16

Notice of Intention to Proceed with Compulsory Acquisition of Land

TO (*a*) .....

THE (*b*).....

in compliance with the provisions of section 16 (2) of the Town and Country Planning Act, 1959, HEREBY GIVE YOU NOTICE that having on the .....day of.....19..... entered upon and taken possession of the land specified in the schedule hereto, which land was the subject of a notice to treat served on (*c*).....at (*d*)..... on the.....day of.....19..... in pursuance of the (*e*).....they intend to proceed with the compulsory acquisition of the (*f*).....interest in such land.

(*a*) Insert name and address of addressee.
(*b*) Insert name of acquiring authority.
(*c*) Insert name of person on whom the original notice to treat was served.
(*d*) Insert address of service.
(*e*) Insert reference to authorisation.
(*f*) State nature of interest to be acquired.

SCHEDULE

The land above referred to

DATED this.....day of.....19.....

.....

Clerk of the Council,
Town Clerk, etc.

Explanation of the provisions of section 16 *of the Town and Country Planning Act*, 1959, *and of section* 15 *as applied by those provisions*

The effect of the service of the foregoing notice under section 16 of the Act, is to bring into force the provisions of section 15 of the Act. Under this section—

As regards your *COMPENSATION*

(1) You may choose to have your compensation calculated as if the notice to treat had been served on 1st January, 1958. If you do so choose, you must say so in a notice of claim. The particulars required are set out in section 5 (2) of the Acquisition of Land (Assessment of Compensation) Act, 1919. The claim must be served on the council *within six months of the date of service of this notice.* If you do not choose to have your compensation calculated as above it will be calculated on the basis applicable at the date of the actual service of the notice to treat.

A Form of claim is { *attached* / *obtainable from the acquiring authority* / *obtainable from Her Majesty's Stationery Office and any law stationers* }

(2) This right of choice is *not* available if you bought your interest in the land or otherwise acquired it for valuable consideration after the date on which the notice to treat was served, or if you derive your title to it from someone who so acquired it after that date.

FORM 3
S. 19 (2)

TOWN AND COUNTRY PLANNING ACT, 1959

Section 19

NOTICE OF THE GRANTING OF PLANNING PERMISSION FOR ADDITIONAL DEVELOPMENT

TO (*a*) .....

THIS NOTICE is given by (*b*)..... in compliance with the provisions of section 19 (2) of the Town and Country Planning Act, 1959, as respects the land specified in the first schedule hereto (which land was acquired by this authority on the (*c*).....day of .....19.....).

TAKE NOTICE that the additional development specified in the second schedule hereto has been permitted subject to the conditions therein set out, and that the date of such permission for the purposes of section 18 of the Act is the (*d*).....day of.....19.....

(*a*) Insert name and address of addressee.

(*b*) Insert name of acquiring authority.

(*c*) Insert date of completion.

(*d*) Insert date of decision on planning application, whether or not there was an appeal.

FIRST SCHEDULE

The land above referred to

SECOND SCHEDULE

Particulars of the planning permission (including conditions imposed thereby)

.....(e)

(e) If land other than that in the first schedule is also covered by the permission, particulars of the extent of the permission should be given.

DATED this.....day of.....19.....

.....

Clerk of the Council,
Town Clerk, etc.

Note: THIS MAY ENTITLE YOU TO ADDITIONAL COMPENSATION UNDER SECTION 18 OF THE ACT.

TOWN AND COUNTRY PLANNING ACT, 1959

FORM 4
S. 20 (3)

Section 20

NOTICE OF PROPOSAL TO CARRY OUT DEVELOPMENT UNDER PLANNING PERMISSION GRANTED OTHERWISE THAN ON AN APPLICATION

TO (a) .....

THIS NOTICE is given by (b).....
in compliance with the provisions of section 20 (3) of the Town and Country Planning Act, 1959, as respects the land specified in the first schedule hereto (which land was acquired by this authority on the (c).....day of .....19.....).

TAKE NOTICE of a proposal for the additional development specified in the second schedule hereto. Planning permission for this development is, under section 20, to be taken as having been given on the (d).....day of .....19.....

(a) Insert name and address of addressee.

(b) Insert name of acquiring authority.

(c) Insert date of completion.

(d) Insert date appropriate under s. 20.

FIRST SCHEDULE

The land above referred to

SECOND SCHEDULE

Particulars of development

DATED this.....day of.....19.....

.....

Clerk of the Council,
Town Clerk, etc.

Note: THIS PROPOSAL MAY ENTITLE YOU TO ADDITIONAL COMPENSATION UNDER SECTIONS 18 TO 20 OF THE ACT.

FORM 5
S. 21 (3)

TOWN AND COUNTRY PLANNING ACT, 1959

Section 21

NOTICE OF PROPOSAL TO CARRY OUT CROWN DEVELOPMENT

(a) Insert name and address of addressee.

TO (a) .....

(b) Insert name of acquiring authority.

(c) Insert date of completion.

THIS NOTICE is given by (b)..... in compliance with the provisions of section 21 (3) of the Town and Country Planning Act, 1959, as respects the land specified in the first schedule hereto (which land was compulsorily acquired by this authority on the (c).....day of.....19.....).

(d) Insert date appropriate under s. 21 (1).

TAKE NOTICE of a proposal for the additional development specified in the second schedule hereto. Planning permission for this development is, for the purposes of sections 18 and 19 of the Act, to be taken as having been given on the (d).....day of.....19.....

FIRST SCHEDULE

The land above referred to

SECOND SCHEDULE

Particulars of development

DATED this.....day of.....19.....

.....

Authorised Signatory.

Note: THIS PROPOSAL MAY ENTITLE YOU TO ADDITIONAL COMPENSATION UNDER SECTIONS 18 TO 21 OF THE ACT.

FORM 6
S. 39 (2)

TOWN AND COUNTRY PLANNING ACT, 1959

Section 39

NOTICE REQUIRING AN AUTHORITY TO PURCHASE AN INTEREST IN LAND

(a) Insert name of authority served.

TO (a) .....

(b) Insert principal address of authority.

at (b).....

(c) Insert full name(s) and address(es) of person(s) or company etc. serving this notice.

*$\frac{\text{I}}{\text{WE}}$ (c).....

pursuant to the provisions of section 39 (2) of the Town and Country Planning Act, 1959, HEREBY GIVE YOU NOTICE:—

1. *$\frac{\text{I am}}{\text{We are}}$ entitled to an interest set out in the first schedule hereto in the *$\frac{\text{hereditament}}{\text{agricultural unit}}$ described in the second schedule hereto.

(d) Insert which paragraph.

2. *$\frac{\text{The}}{\text{Part of the}}$ *$\frac{\text{hereditament}}{\text{agricultural unit}}$ has been included in land falling within paragraph (...) (d) of subsection (1) of section 39 of the Act.

3. Since then, *I/we have made reasonable endeavours to sell *my/our interest but *I/we have been unable to sell it except at a price substantially lower than that for which it might reasonably have been expected to sell if no part of the *hereditament/agricultural unit were so included. (*e*)

(*e*) Particulars of the steps taken to sell the land should be given below or separately.

4. *My/Our interest qualifies for protection under Part IV of the Act because

*EITHER (*f*)

the annual value of the hereditament does not exceed the prescribed limit of annual value and *my/our interest is that of owner-occupier(s) of the hereditament within the meaning of subsection (2) of section 43.

*OR (*f*)

*my/our interest is that of resident owner-occupier(s) of the hereditament within the meaning of subsection (4) of section 43.

*OR (*f*)

*my/our interest is that of owner-occupier(s) of the agricultural unit within the meaning of subsection (3) of section 43.

(*f*) Whichever is appropriate of these alternatives should form part of this notice.

5. *I/We therefore require you to purchase *my/our interest in the *hereditament/agricultural unit in so far as it is included in the land referred to in paragraph 2 of this notice.

FIRST SCHEDULE

Particulars of interest in land, together with the names and addresses of any mortgagees thereof and a note of any other encumbrances thereon.

SECOND SCHEDULE

Particulars of the *hereditament/agricultural unit (*g*)

(*g*) A plan should be attached, if necessary to identify the land.

DATED this.....day of.....19.....

Signed.....

*On behalf of.....

* Delete where inappropriate throughout.

Here or in an accompanying letter should be given particulars (including dates) of the endeavours made to sell the *hereditament/agricultural unit and of the price asked and of any offers received for it.

TOWN AND COUNTRY PLANNING ACT, 1959

Section 40

COUNTER-NOTICE UNDER SECTION 40 (1) OBJECTING TO NOTICE SERVED UNDER SECTION 39 (2)

(*a*) Insert name and address of addressee.

TO (*a*) .....

(*b*) Insert name of authority.

THE (*b*).....

HEREBY GIVE YOU NOTICE under section 40 (1) of the Town and Country Planning Act, 1959, that they OBJECT to the notice served by you on the.....day of.....19....., under section 39 (2) of the Act in respect of the * hereditament / agricultural unit described as (*c*).....

(*c*) Insert particulars.

The grounds (*d*) on which objection is taken are—

(*d*) These should include a reference to the relevant paragraph(s) of S. 40 (2).

DATED this.....day of.....19.....

.....
on behalf of the (*b*).

* Delete where inappropriate.

NOTE: If you do not accept this objection, you may require the objection to be referred to the Lands Tribunal, under the provisions of section 41 of the Act. In that case you should notify the Registrar of the Lands Tribunal, 3, Hanover Square, London, W.1, within 2 months of the date of service of this notice.

Given under the official seal of the Minister of Housing and Local Government this twenty-seventh day of July, nineteen hundred and fifty-nine.

(L.S.)

Henry Brooke,
Minister of Housing
and Local Government.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations made under section 55 of the Town and Country Planning Act, 1959, prescribe the forms of notices required for the purposes of the following subsections of the Act, namely—subsection (2) of section 14 and subsection (2) of section 16 (which relate to long standing notices to treat); subsection (2) of section 19, subsection (3) of section 20 and subsection (3) of section 21 (which relate to additional development of land which has been acquired by authorities possessing compulsory purchase powers); and subsection (2) of section 39 and subsection (1) of section 40 (which relate to the obligation of authorities to purchase interests of owner-occupiers affected by planning proposals). They also prescribe the forms of explanation of certain sections of the Act required by the Act to be given with the notices under subsection (2) of section 14 and subsection (2) of section 16 of the Act.