2. TOWN AND COUNTRY PLANNING ACTS, 1944 AND 1947

The Town and Country Planning Acts, 1944 and 1947 (Registration of Orders and Lists of Buildings) Rules, 1948

1948 No. 1213 (L. 9)

Made - - - - *9th June*, 1948
Coming into Operation *1st July*, 1948

I, William Allen Viscount Jowitt, Lord High Chancellor of Great Britain, by virtue and in pursuance of section 15 of the Land Charges Act, 1925, section 17 of the Town and Country Planning Act, 1944, and sections 30 and 39 of the Town and Country Planning Act, 1947, do hereby make the following Rules. 15 & 16 Geo. 5. c. 22. 7 & 8 Geo. 6. c. 47. 10 & 11 Geo. 6. c. 51.

1. These Rules may be cited as the Town and Country Planning Acts, 1944 and 1947 (Registration of Orders and Lists of Buildings) Rules, 1948, and shall come into operation on the first day of July, 1948.

2.—(1) In these Rules, except as otherwise expressly provided and save where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:— Interpretation.

(*a*) " the Act of 1925 " means the Land Charges Act, 1925;

(*b*) " the Act of 1944 " means the Town and Country Planning Act, 1944;

(*c*) " the Act of 1947 " means the Town and Country Planning Act, 1947;

(*d*) " compulsory purchase order " means an order made under Part I of the Act of 1944 authorising a compulsory purchase of land;

(*e*) " compulsory purchase order containing a direction " means a compulsory purchase order containing a direction made under section 39 of the Act of 1947, that the provisions of the Sixth Schedule to the Act of 1944 shall apply to the order;

(*f*) " declaratory order " means an order made under section 1 of the Act of 1944;

(*g*) " list of buildings of special architectural or historic interest " means a list compiled or approved by the Minister of Town and Country Planning under section 42 of the Act of 1944 or section 30 of the Act of 1947, or so much of the list as is required to be registered under the said section 30, or under that section by virtue of sub-paragraph (*b*) of paragraph 9 of the Tenth Schedule to the Act of 1947.

(*h*) " parcel of land " means a piece of land or a building or a part of a building in separate occupation or separately rated at the time of the requisition for search;

For the purpose of this definition any land or building or part of a building which is neither in occupation nor rated shall be deemed to be occupied by the person who is the owner thereof within the meaning of the Public Health Act, 1936.

26 Geo. 5. & 1 Edw. 8. c. 49.

(*i*) " purchasing authority " means any local authority, Minister of the Crown, the Central Land Board, or other person or body purchasing under the Act of 1944 or the Act of 1947.

(*j*) " the Register " means the register of local land charges required to be kept in pursuance of the Act of 1925;

(*k*) " the registrar " means the proper officer of the local authority required to register the compulsory purchase order, compulsory purchase order containing a direction, declaratory order or list of buildings of special architectural or historic interest, as the case may be, in the Register in pursuance of the Acts of 1944 or 1947;

52 & 53 Vict. c. 63.

(2) The Interpretation Act, 1889, applies to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

(3) In these Rules unless the context otherwise requires, references to any enactment shall be construed as references to that enactment as amended by or under any other enactment.

Revocation of existing Rules.

3. The Town and Country Planning Act, 1944 (Registration of Orders) Rules, 1945(a), are hereby revoked as from the date on which these Rules come into operation, without prejudice, however, to anything done thereunder or to any right, obligation, or liability acquired, accrued or incurred under those Rules.

Part VI of the Register.

4. Compulsory purchase orders and declaratory orders which are registrable by virtue of section 17 of the Act of 1944 and compulsory purchase orders containing a direction which are registrable by virtue of section 39 of the Act of 1947 shall be registered in Part VI of the Register.

Addition to the Register.

5. Lists of buildings of special architectural or historic interest which are registrable by virtue of section 30 of the Act of 1947 shall be registered in a new part of the Register, to be known as Part X.

Entries in Parts VI and X.

6.—(1) Every entry in Part VI of the Register shall contain:—

(*a*) a reference to the title of the compulsory purchase order, compulsory purchase order containing a direction or declaratory order;

(*b*) the name of the purchasing authority authorised by the compulsory purchase order or compulsory purchase order containing a direction, or, as the case may be, of the authority on whose application the declaratory order was made;

(*c*) a sufficient description, by reference to a map or plan, of the land which is or will be affected by the order;

(*d*) in the case of a compulsory purchase order, a reference to any declaratory order which, at the date of registration of the first named order, may have been made affecting the land included in such compulsory purchase order;

(a) S.R. & O. 1945 (No. 1677) I, p. 736.

(*e*) notice of the place at which inspection may be made of a copy of the order certified by or on behalf of the Minister by whom it was made or confirmed, in exercise of the powers conferred by Part I of the Act of 1944, or section 39 of the Act of 1947, as the case may be, and of any map or plan referred to in or illustrating the order;

(*f*) the date on which the order was made or confirmed by the Minister as aforesaid;

(*g*) the date of registration of the order.

(2) Every entry in Part X of the Register shall contain:—

(*a*) a copy of the list of buildings of special architectural or historic interest;

(*b*) notice of the place at which inspection may be made of the list certified by or on behalf of the Minister of Town and Country Planning and any map or plan referred to in or illustrating the list;

(*c*) the date on which the copy of the list was certified by or on behalf of the Minister of Town and Country Planning;

(*d*) the date of registration of the list.

(3) The index to the Register shall include entries in respect of Parts VI and X of the Register for the purpose of enabling a person to trace any entry in those Parts.

(4) It shall be the duty of the registrar to enter in the Register particulars of the variation or revocation of any of the aforementioned orders or lists as soon as may be after notification of the variation or revocation has been given to him in writing.

Dates on which applications, etc., deemed to be made or given.

7.—(1) Applications for registration of compulsory purchase orders, compulsory purchase orders containing a direction, declaratory orders and lists of buildings of special architectural or historic interest and notifications of variation or revocation of entries in respect thereof delivered by post or under cover during the hours in which the office of the registrar is open for registration shall be treated as having been made or given immediately before the closing of the office for that day.

(2) Applications for registration of compulsory purchase orders, compulsory purchase orders containing a direction, declaratory orders and lists of buildings of special architectural or historic interest and notifications of variation or revocation of entries in respect thereof delivered (whether by post or otherwise) between the hours of closing and of the next opening of the office for registration shall be treated as having been made or given immediately after such opening.

Personal searches.

8.—(1) Any person may search in Parts VI and X of the Register and in the Index to the Register upon paying the appropriate fee prescribed by the Second Schedule to these Rules.

(2) Any person desiring to make a personal search in Parts VI or X of the Register shall, if so required by the registrar, furnish his name and address and indicate by reference to a plan or otherwise the parcel or parcels of land in respect of which he proposes to search.

Official Certificates of Search.

9.—(1) The provisions of sub-sections (1), (2), (7), (8) and (9) of section 17 of the Act of 1925 (which relate to official certificates of search) shall apply in respect of Parts VI and X of the Register.

(2) Every requisition for search made under the said provisions as applied by this Rule shall be in writing signed by the person making the same or by the solicitor acting for the person requiring the search to be made, and shall define the land in respect of which the search is to be made by means of a plan drawn to scale and (except where the applicant does not require a plan to be returned) furnished in duplicate, or by any other means sufficient to enable the land to be identified.

(3) A requisition for search in all or any of the Parts of the Register may include a requisition for search in Parts VI and X, and any form prescribed by Rules made under the Act of 1925 for the purpose of requisitions for search and official certificates of search in the Register may be used accordingly:

Provided that the schedules to an official certificate of the result of a search in Parts VI and X of the Register shall be in the form set out in the First Schedule hereto.

(4) An official certificate of the result of search in Parts VI and X of the Register shall extend to registrations effected during the day of the date of the certificate, and shall be issued only after the registry is closed for registration on that date.

(5) Separate requisitions for search in Parts VI and X of the Register shall be made in respect of each parcel of land in respect of which search is requested, except where a certificate is required in respect of two or more contiguous parcels of land for the purpose of the same transaction.

Fees.

10. The fees payable for the registration, variation or revocation of entries and for searches and official certificates of search, in respect of Parts VI and X of the Register, shall be those specified in the Second Schedule hereto.

Dated the 9th day of June, 1948.

Jowitt, C.

We, the undersigned, two of the Commissioners of His Majesty's Treasury, do hereby concur in Rule 10 of the above Rules and in the Second Schedule hereto.

Wm. Hannan,
J. W. Snow.

FIRST SCHEDULE

(a) PART VI.—REGISTER OF COMPULSORY PURCHASE ORDERS, COMPULSORY PURCHASE ORDERS CONTAINING A DIRECTION AND DECLARATORY ORDERS UNDER THE TOWN AND COUNTRY PLANNING ACTS, 1944 AND 1947

Particulars of any declaratory order made under Section 1 of the Act of 1944, and for the time being in operation	Particulars of any compulsory purchase order made under Part I of the Act of 1944 and of any compulsory purchase order containing a direction under Section 39 of the Act of 1947 and for the time being in operation	Reference to any declaratory order which relates to land included in an order mentioned in column 2	Name and address of authority who promoted the order mentioned in columns 1 or 2	Place at which inspection may be made of any of the orders referred to in columns 1 and 2 and any map or plan referred to in or illustrating such orders	Date of confirmation, or making of order	Date of registration of order
1.	2.	3.	4.	5.	6.	7.

(*b*) PART X.—REGISTER OF LISTS OF BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST REGISTRABLE UNDER SECTION 30 OF THE TOWN AND COUNTRY PLANNING ACT, 1947

Particulars of any list of buildings of special architectural or historic interest compiled or approved by the Minister of Town and Country Planning under Section 42 of the Act of 1944 or Section 30 of the Act of 1947 1.	Place at which inspection may be made of copies of lists referred to in column 1 and any map or plan referred to in or illustrating such list 2.	Date of certification of list by or on behalf of the Minister of Town and Country Planning 3.	Date of registration 4.

SECOND SCHEDULE

FEES

1. On registration of a compulsory purchase order, compulsory purchase order containing a direction, declaratory order or list of buildings of special architectural or historic interest, where the order is registrable by the Registrar of an authority other than the purchasing authority or, as the case may be, the authority on whose application the declaratory order was made or the authority compiling the list:—

	s.	d.
(i) in the case of a compulsory purchase order or compulsory purchase order containing a direction, per entry	2	6
(ii) in the case of a declaratory order, per entry	10	0
(iii) in the case of a list of buildings of special architectural or historic interest	5	0

2. On variation or revocation of any entry in Parts VI and X of the Register (where the entry was made in the circumstances mentioned in Fee No. 1) 1 6

3. On personal search in Parts VI or X of the Register (except where such search is made in respect of the whole of the Register and payment has been made in respect thereof) 2 0

In addition (but subject to a maximum additional charge of fourteen shillings) in respect of each parcel of land above one, where the search extends to several parcels of land 1 0

4. For an official search (including issue of certificate) in Parts VI or X of the Register (except where such search is made in respect of the whole of the Register and payment has been made in respect thereof) 2 0

In addition (but subject to a maximum additional charge of twenty-one shillings) in respect of each parcel of land above one, where several parcels are, in accordance with the provisions of paragraph (5) of Rule 9, included in the same requisition, where such requisition is for search in Parts VI or X of the Register and does not form part of a requisition for search in the whole or any other part of the Register in respect of which such additional payment has been made 1 6

	s.	d.
5. For an office copy of any entry in Parts VI and X of the Register (not including a copy or extract of any plan or document filed in the Registry)	2	6
6. For an office copy of any plan or other document filed in the Registry, in respect of Parts VI and X of the Register, such reasonable fee as may be fixed by the local Registrar according to the time and labour involved		

Unless the context otherwise requires, " entry " for the purpose of this Schedule includes all entries made or required to be made in Parts VI and X of the Register in respect of the relevant order or list.

All fees shall be prepaid.

EXPLANATORY NOTE

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

These Rules supersede the Town and Country Planning Act, 1944 (Registration of Orders) Rules, 1945. They provide for the registration in Local Land Charges Registers of (*a*) compulsory purchase orders, (*b*) compulsory orders containing a direction that the procedure for expedited completion shall apply, (*c*) declaratory orders, and (*d*) lists of buildings of special architectural or historic interest, all of which are registrable under the Town and Country Planning Acts, 1944 or 1947. The lists of buildings of special architectural or historic interest are to be registered in a new Part of the Register to be known as Part X. Provision is made for searching the Register and for the issue of official certificates of search on payment of the fees prescribed in the Second Schedule to the Rules.

3. LOCAL LAND CHARGES

The Local Land Charges (Amendment) Rules, 1948

1948 No. 1283 (L. 12)

Made - - - - 15*th June*, 1948
Coming into operation 1*st July*, 1948

I, William Allen Viscount Jowitt, Lord High Chancellor of Great Britain, by virtue and in pursuance of the Land Charges Act, 1925, and of all other powers enabling me in this behalf, do hereby make the following Rules:— 15 & 16 Geo. 5. c. 22.

1.—(1) These Rules may be cited as the Local Land Charges (Amendment) Rules, 1948, and shall come into operation on the first day of July, 1948.

(2) In these Rules a Rule, paragraph, Schedule or Part of a Schedule referred to by number means the Rule, paragraph, Schedule or Part so numbered in the Local Land Charges Rules, 1934(a), as amended by any subsequent Rules.

2. Paragraph (1) of Rule 2 (b), shall be amended as follows:—

(*a*) the following definition shall be inserted after the definition of the Town and Country Planning (Interim Development) Act, 1943, namely " The Act of 1947 " means the Town and Country Planning Act, 1947. 6 & 7 Geo. 6. c. 29 10 & 11 Geo. 6. c. 51.

(a) S.R. & O. 1934 (No. 285) I, p. 924.
(b) *See* S.R. & O. 1943 (No. 1532) I, p. 593.