15. RESTRICTION OF RIBBON DEVELOPMENT ACTS

The Town and Country Planning (Enforcement of Restriction of Ribbon Development Acts) (Scotland) Regulations, 1948†

1948 No. 1527 (S. 138)

Made - - - - *27th May*, 1948
Coming into Operation 1st *July*, 1948*

In exercise of the powers conferred on me by subsection (8) of section 72 of the Town and Country Planning (Scotland) Act, 1947(a), and of all other powers enabling me in that behalf, I hereby make the following Regulations:—

1. These Regulations shall come into force on the appointed day* and may be cited as the Town and Country Planning (Enforcement of Restriction of Ribbon Development Acts) (Scotland) Regulations, 1948.

2.—(1) In these Regulations, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say:—

" the Act " means the Town and Country Planning (Scotland) Act, 1947;

" the appointed day " means the day appointed for the coming into force of the Act.

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

3. For the purpose of applying the provisions of subsections (1) to (7) of section 72 of the Act to works on land carried out or uses of land begun at any time before the appointed day in contravention of any restriction in force under section 1 or section 2 of the Restriction of Ribbon Development Act, 1935(c), subsections (1) and (2) of section 72 of the Act shall be adapted and modified so as to have effect as follows:—

" (1) Where any works on land existing at the appointed day were carried out, or any use to which land is put on that day was begun, in contravention of previous planning control **or any building law** then, subject to the provisions of this section, the provisions of Part II of this Act with respect to enforcement notices shall apply in relation thereto as they apply in relation to development carried out after the appointed day without the grant of planning permission in that behalf;

Provided that an enforcement notice shall not be served by virtue of the provisions of this section in respect of any works or use (not being works or a use carried out or begun during the war period as defined by the Building Restrictions (War-time Contraventions) Act, 1946) at any time after three years from the appointed day.

In this section the expression " building law " means any restriction in force before the appointed day by virtue of section 1 or section 2 of the Restriction of Ribbon Development Act, 1935.

---

* *See* S.I. 1948 No. 265, p. 4236 above.

† These Regulations were approved by Resolution of the House of Commons, 28th June, 1948, and the House of Lords, 30th June, 1948, in accordance with the proviso to section 72 (8) of the Town and Country Planning (Scotland) Act, 1947.

(a) 10 & 11 Geo. 6. c. 53. (b) 52 & 53 Vict. c. 63.
(c) 25 & 26 Geo. 5. c. 47.

(2) Where any such works as aforesaid were carried out or any such use as aforesaid was begun during the war period as defined by the Building Restrictions (War-time Contraventions) Act, 1946, then—

(*a*) if by virtue of the provisions of that Act, **or of that Act as amended by any regulations made by the Secretary of State under subsection (8) of this section,** or of any determination effected thereunder (whether before or after the appointed day), the works or use are deemed to comply with planning control within the meaning of that Act **or with any building law,** the provisions of this section shall not apply, or, as the case may be, shall cease to apply to those works or that use; and

(*b*) if it has been determined under that Act **or under that Act amended as aforesaid** (whether before or after the appointed day) that the works or use shall not be deemed to comply with planning control within the meaning of that Act **or with any building law,** subsection (3) of section twenty-one of this Act shall have effect, in relation to any enforcement notice served in respect of the works or use by virtue of the provisions of this section, as if the proviso to that subsection were omitted."*

and subsections (3) to (7) of the said section 72 shall have effect accordingly.

4. The Building Restrictions (War-Time Contraventions) Act, 1946(a), shall have effect as regards any restriction in force before the appointed day by virtue of section 1 or section 2 of the Restriction of Ribbon Development Act, 1935, as though:—

(*a*) any reference therein to a building law included a reference to any such restriction, and any reference to the authority responsible for enforcing such a law were, in relation to that restriction, a reference to the authority empowered by virtue of section 72 of the Act as applied by Regulation 3 of these Regulations to serve an enforcement notice under Part II of the Act;

(*b*) any reference therein to a failure to comply or non-compliance with a building law included a reference to a failure to comply or non-compliance, before the appointed day, with any such restriction, any reference to compliance with such a law being construed accordingly;

(*c*) any reference in subsections (10) and (11) of section 2 thereof to an authority responsible for enforcing planning control included a reference to an authority empowered by virtue of section 72 of the Act as applied by Regulation 3 of these Regulations to serve an enforcement notice under Part II of the Act.

Dated this 27th day of May, nineteen hundred and forty-eight.

Arthur Woodburn,
One of His Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

(a) 9 & 10 Geo. 6. c. 35.

* NOTE.—Words printed in heavy type are words inserted by the Regulation.

EXPLANATORY NOTE

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

Section 72 of the Town and Country Planning (Scotland) Act, 1947, provides for the application of the enforcement provisions contained in Part II of that Act to breaches, occurring before the appointed day, of previous planning control under the Town and Country Planning (Scotland) Acts of 1932 and 1943, which are repealed. These Regulations adapt the provisions of that section so as to make it applicable to breaches, occurring before the appointed day, of the control exercised by highway authorities under sections 1 and 2 of the Restriction of Ribbon Development Act, 1935, which are also repealed. The power of enforcement is given by the Regulations to local planning authorities, as if the restrictions imposed by that Act were part of previous planning control (Regulation 3).

The Building Restrictions (War-Time Contraventions) Act, 1946, confers on authorities responsible for enforcing building laws or planning control power to sanction war-time non-compliance with such laws or control, and certain other powers. Regulation 4 of these Regulations makes necessary amendments in this Act in order to apply its provisions to the enforcement machinery created by Regulation 3, in substantially the same manner as it formerly applied to the enforcement of the repealed sections of the Restriction of Ribbon Development Act, 1935.

The Town and Country Planning (Enforcement of Restriction of Ribbon Development Acts) (Scotland) Additional Regulations, 1948

1948 No. 1137 (S. 90)

Made - - - -	*28th May,* 1948
Laid before Parliament	*31st May,* 1948
Coming into Operation	*1st July,* 1948*

In exercise of the powers conferred on me by subsection (6) of section 73 of the Town and Country Planning (Scotland) Act, 1947(a), and of all other powers enabling me in that behalf, I hereby make the following Regulations:—

1. These Regulations shall come into force on the appointed day*, and may be cited as the Town and Country Planning (Enforcement of Restriction of Ribbon Development Acts) (Scotland) Additional Regulations, 1948.

2.—(1) In these Regulations, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say:—

"the Act" means the Town and Country Planning (Scotland) Act, 1947;

"the appointed day" means the day appointed for the coming into force of the Act;

(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.

---

* *See* S.I. 1948 No. 265, p. 4236 above.

(a) 10 & 11 Geo. 6. c. 53. (b) 52 & 53 Vict. c. 63.