STATUTORY INSTRUMENTS

1974 No. 1069 (C.18)

TOWN AND COUNTRY PLANNING, ENGLAND AND WALES

The Town and Country Planning Act 1971 (Commencement No. 27) (Rest of England) Order 1974

Made - - - 19*th June* 1974

The Secretary of State for the Environment in exercise of the power conferred on him by section 21 of the Town and Country Planning Act 1971(**a**) hereby makes the following order:—

1.—(1) This order may be cited as the Town and Country Planning Act 1971 (Commencement No. 27) (Rest of England) Order 1974.

(2) In this order—

"the Act" means the Town and Country Planning Act 1971; and

"the Order area" means the whole of England with the exception of the areas described in the orders specified in Schedule 1 to this order.

2. The provisions of the Act specified in the first column of Schedule 2 hereto (which relate to the matters specified in the second column of the said Schedule) shall come into operation in the Order area on 1st August 1974.

3. Pending the repeal of Part I of Schedule 5 and Schedule 6 to the Act as respects the Order area, any reference in the Act to the carrying out of a survey or the preparation, approval, making or amendment of a development plan under the said Schedule 5 or to a plan or amendment approved or made thereunder shall be construed as respects the Order area as including a reference to the carrying out of a survey or the preparation, approval, adoption, making or amendment of a structure or local plan under Part II of the Act or, as the case may be, to a plan or amendment approved, adopted or made thereunder.

SCHEDULE 1

S.I. 1971/1108 (C.25) (1971 II, p.3289)	The Town and Country Planning Act 1968 (Commencement No. 6) (Teesside etc.) Order 1971
S.I. 1971/2079 (C.54) (1971 III, p.6155)	The Town and Country Planning Act 1968 (Commencement No. 7) (South Hampshire) Order 1971
S.I. 1971/2080 (C.55) (1971 III, p.6158)	The Town and Country Planning Act 1968 (Commencement No. 8) (Leicester-Leicestershire) Order 1971

(**a**) 1971 c. 78.

S.I. 1972/1060 (C.18) (1972 II, p.3168)	The Town and Country Planning Act 1971 (Commencement No. 1) (West Midlands) Order 1972
S.I. 1972/1408 (C.33) (1972 III, p.4279)	The Town and Country Planning Act 1971 (Commencement No. 6) (Buckinghamshire) Order 1972
S.I. 1972/1559 (C.39) (1972 III, p.4544)	The Town and Country Planning Act 1971 (Commencement No. 9) (Brighton etc.) Order 1972
S.I. 1972/2032 (C.46) (1972 III, p.6014)	The Town and Country Planning Act 1971 (Commencement No. 10) (Norfolk and East Suffolk etc.) Order 1972
S.I. 1973/87 (C.3) (1973 I, p.468)	The Town and Country Planning Act 1971 (Commencement No. 11) (Greater Manchester and North-East Lancashire) Order 1973
S.I. 1973/88 (C.4) (1973 I, p.471)	The Town and Country Planning Act 1971 (Commencement No. 12) (Carlisle-West Cumberland) Order 1973
S.I. 1973/523 (C.15) (1973 I, p.1690)	The Town and Country Planning Act 1971 (Commencement No. 13) (Hertfordshire) Order 1973
S.I. 1973/524 (C.16) (1973 I, p.1692)	The Town and Country Planning Act 1971 (Commencement No. 14) (Northampton-Northamptonshire) Order 1973
S.I. 1973/750 (C.18) (1973 I, p.2397)	The Town and Country Planning Act 1971 (Commencement No. 15) (Merseyside) Order 1973
S.I. 1973/751 (C.19) (1973 I, p.2401)	The Town and Country Planning Act 1971 (Commencement No. 16) (Southend-on-Sea—Essex) Order 1973
S.I. 1973/1069 (C.26) (1973 II, p.3208)	The Town and Country Planning Act 1971 (Commencement No. 17) (Oxford-Oxfordshire etc.) Order 1973
S.I. 1973/1279 (C.33) (1973 II, p.3880)	The Town and Country Planning Act 1971 (Commencement No. 18) (East Midlands (Part)) Order 1973
S.I. 1973/1280 (C.34) (1973 II, p.3885)	The Town and Country Planning Act 1971 (Commencement No. 19) (Luton-Bedfordshire) Order 1973
S.I. 1973/1426 (C.39) (1973 II, p.4368)	The Town and Country Planning Act 1971 (Commencement No. 20) (Doncaster, etc.) Order 1973

S.I. 1973/1584 (C.46) (1973 III, p.4969)	The Town and Country Planning Act 1971 (Commencement No. 21) (Greater London) Order 1973
S.I. 1973/1585 (C.47) (1973 III, p.4972)	The Town and Country Planning Act 1971 (Commencement No. 22) (Isle of Wight) Order 1973
S.I. 1973/1657 (C.50) (1973 III, p.5141)	The Town and Country Planning Act 1971 (Commencement No. 23) (Wiltshire) Order 1973
S.I. 1973/2222 (C.67) (1973 III, p.7910)	The Town and Country Planning Act 1971 (Commencement No. 25) (Cheshire etc.) Order 1973
S.I. 1973/2223 (C.68) (1973 III, p.7914)	The Town and Country Planning Act 1971 (Commencement No. 26) (Hartlepool etc.) Order 1973

SCHEDULE 2

PROVISIONS COMING INTO OPERATION IN THE ORDER AREA ON 1ST AUGUST 1974

Provisions of the Act	Subject matter of provisions
Part II, except sections 9(4), 18, 19, 20 and 21, and except so far as it enables any matter or thing to be prescribed.	New Provisions as to development plans.

Anthony Crosland,
Secretary of State for the Environment.

19th June 1974.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order brings into force for the whole of England (except those areas in respect of which commencement orders have already been made under section 21) the provisions of Part II of the Town and Country Planning Act 1971 (as amended by sections 2 and 3 of the Town and Country Planning (Amendment) Act 1972 (1972 c.42) and sections 182 and 183 of, and part 1 of Schedule 16 to, the Local Government Act 1972 (1972 c.70)) which are set out in Schedule 2. The provisions which are brought into force are the substantive provisions for the new development plan system of structure and local plans.

The provisions require a county planning authority to carry out a survey of, and prepare a structure plan for, their area (they are enabled to prepare a plan for any part of their area with the Secretary of State's consent). The preparation of local plans is primarily made the function of the district planning authority (unless the structure plan or the development plan scheme provides to the contrary).

A county planning auhority, in consultation with the district planning authorities, are required to prepare a development plan scheme for their area. This scheme will specify which planning authority is to be responsible for the preparation of local plans within that area, and will also specify such matters as the title and nature of each local plan, and set out a programme for their preparation.

In addition, the Secretary of State is empowered to direct a county planning authority, after consultation with the district planning authorities, to prepare a development plan scheme.

If the district planning authority are dissatisfied with the county planning authority's proposals, or if the county planning authority fail to comply with a direction from the Secretary of State requiring the preparation or amendment of a development plan scheme, power is given to the Secretary of State to prepare or amend the scheme.

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