

**TOWN AND COUNTRY PLANNING (AMENDMENT)
BILL 2012**

Explanatory Memorandum

1. This Bill is promoted by Mr Tim Crookall.
2. Clause 1 states the short title.
3. Clause 2 amends the Town and Country Planning Act 1999 by inserting a new section 14A which enables the Department of Infrastructure to refer a decision as to whether to enter a building in the Protected Buildings Register to the Council of Ministers in certain circumstances for determination by the Council of Ministers.
4. The Bill is not expected to reduce Government income or to increase Government expenditure.
5. In the view of the member moving the Bill its provisions are compatible with the Convention rights within the meaning of the Human Rights Act 2001.



Ellan Vannin

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Ellan Vannin

TOWN AND COUNTRY PLANNING (AMENDMENT) BILL 2012

1 **A BILL** to amend Part 3 of the Town and Country Planning Act 1999; and for
2 connected purposes.

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows:—

3 **1 Short title**

4 The short title of this Act is the Town and Country Planning (Amendment) Act
5 2012.

6 **2 Town and County Planning Act 1999: section 14A inserted**

7 After section 14 of the Town and Country Planning Act 1999¹ insert —

8 **14A Determination by the Council of Ministers**

- 9 | (1) Subsection (3) applies if —
- 10 | (a) a building is owned by the Department;
- 11 | (b) the Department is considering whether or not to enter a
12 | building in the register under section 14; and
- 13 | (c) for a reason specified in subsection (2), the Department
14 | considers that the decision whether or not to include the
15 | building in the register ought to be taken by the Council of
16 | Ministers.

17 | (2) The reasons are —

¹ c. 9



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- (a) that the making of the decision requires the consideration of a matter of general importance to the Island; or
 - (b) that for some other reason the decision ought not to be taken by the Department.
- (3) The Council of Ministers may determine that the building is to be entered in the register.
- (4) If the Council of Ministers so determines, the Department must enter the building in the register.
- (5) Regulations may provide for —
- (a) the procedure for —
 - (i) the reference of a matter to the Council of Ministers; and
 - (ii) the making of a determination by the Council of Ministers; and
 - (b) the publicity to be given, and the consultations to be carried out, in connection with the determination of such references.
- (6) Without limiting subsection (5), regulations may modify the application of any provision of this Act in circumstances where a determination is to be made under this section.
- (7) However, unless regulations under subsection (5) otherwise provide, the provisions of the Act concerning registered buildings and the register continue to have effect. ■■.



IN THE KEYS

**TOWN AND COUNTRY PLANNING (AMENDMENT)
BILL 2012**

A **BILL** to amend Part 3 of the
Town and Country Planning
Act 1999; and for connected
purposes.

Leave to introduce given by the
House of Keys on 24 January 2012

MR CROOKALL

APRIL 2012