



TOWN AND COUNTRY PLANNING (DEVELOPMENT PROCEDURE) (NO. 2) (AMENDMENT) ORDER 2015

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Statutory Document No. 2015/0134



Town and Country Planning Act 1999

TOWN AND COUNTRY PLANNING (DEVELOPMENT PROCEDURE) (NO. 2) (AMENDMENT) ORDER 2015

Approved by Tynwald: 21 April 2015

Coming into Operation: in accordance with article 2

The Department of Infrastructure makes the following Order under section 8, 9(1), 10 and 11(3) of the Town and Country Planning Act 1999.

1 Title

This Order is the Town and Country Planning (Development Procedure) (No. 2) (Amendment) Order 2015.

2 Commencement

This Order comes into operation immediately after its approval by Tynwald¹.

3 Amendment of the Town and Country Planning (Development Procedure) (No. 2) Order 2013

The Town and Country Planning (Development Procedure) (No. 2) Order 2013² is amended as follows.

4 Article 7 amended

(1) Article 7 (notice of decision) is amended as follows.

(2) At the end of paragraph (1) insert —

☐☐ Such a notice is referred to in this article as “a decision notice.” ☐☐.

(3) In paragraph (2) for the words preceding “must” substitute “A decision notice”.

(4) At the end of the Article insert —

☐☐ (3) If it appears to the Department that a decision notice contains an error (“the original notice”), the Department must give a new

¹ Tynwald approval is required by section 44(1) of the Act

² SD 0238/13

- notice (“a correction notice”) to those persons mentioned in paragraph (1) setting out the text of any correction subject to which the document is to be read.
- (4) The correction notice must do only one or more of the following in making changes to the original notice —
- (a) correct an error of grammar, spelling or syntax;
 - (b) correct an incorrect citation of applicable legislation;
 - (c) correct a cross-reference in the notice which is obviously incorrect; or
 - (d) correct a clerical error or omission or an error made in transcription or expression.
- (5) Once a correction notice has been made, the original notice is to be treated for all purposes as if it had been made in the corrected form and paragraph 8(1) (computation of time for an appeal) has effect as if the original notice had been made on the date on which the correction notice is made. **22**.

5 Article 8 amended

- (1) Article 8 (appeal from decisions of the Department) is amended as follows.
- (2) Renumber paragraph (10) as (7A) and relocate the text accordingly.
- (3) In paragraph (9)—
- (a) for “the determination” substitute “its determination”;
 - (b) in sub paragraph (a) omit “and”;
 - (c) in sub paragraph (b) for “Department.” substitute “Department; and”;
 - (d) after sub paragraph (b) add —
 - 23**(c) must advise that the decision of the Department is binding and final (subject to the possibility of judicial review by petition of dolence). **22**; and
 - (e) at the end of the paragraph add —

24Such a notice is referred to below as “an appeal decision notice.” **22**.
- (4) After paragraph (9) insert —
- 25**(10) If it appears to the Department that the original appeal notice contains an error (“the original appeal notice”), the Department must give a new notice (“the correction appeal notice”) to the appellant and every interested person setting out the text of any correction subject to which the document is to be read.

(11) In making corrections to the original appeal notice, the correction appeal notice must do only one or more of the following –

- (a) correct an error of grammar, spelling or syntax;
- (b) correct an incorrect citation of applicable legislation;
- (c) correct a cross-reference in the notice which is obviously incorrect; or
- (d) correct a clerical error or omission or an error made in transcription or expression.

(12) Once a correction appeal notice has been made, the original appeal notice is to be treated for all purposes as if it had been made in the corrected form and, for the purposes of computation of time for judicial review by a petition of doleance, has effect as if the original appeal notice had been made on the date on which the correction appeal notice is made. **22**

6 Article 10 amended

(1) Article 10 (Reference of certain applications to the Council of Ministers) is amended as follows.

(2) At the end of paragraph (10) add –

23Such a notice is referred to in this article as “a decision notice.” **22**

(3) After paragraph (11) insert –

24(12) If it appears to the Chief Secretary that a decision notice contains an error (“the original notice”), the Chief Secretary must give a new notice (“a correction notice”) to those persons mentioned in paragraph (11) setting out the text of any correction subject to which the document is to be read.

(13) In making corrections to the original notice, the correction notice must do only one or more of the following –

- (a) correct an error of grammar, spelling or syntax;
- (b) correct an incorrect citation of applicable legislation;
- (c) correct a cross-reference in the notice which is obviously incorrect; or
- (d) correct a clerical error or omission or an error made in transcription or expression.

(14) Once a correction notice has been made, the original notice is to be treated for all purposes as if it had been made in the corrected form and, for the purposes of computation of time for judicial review by a petition of doleance, has effect as if the original notice had been made on the date on which the correction notice is made. **22**

7 Article 11 Amended

- (1) Article 11 (Called-in applications by the Council of Ministers) is amended as follows.
- (2) At the end of paragraph (8) add –
█ Such a notice is referred to in this article as “a decision notice.” **█**
- (3) After paragraph (8) insert –
 - █** (9) If it appears to the Chief Secretary that a decision notice contains an error (“the original notice”), the Chief Secretary must give a new notice (“a correction notice”) to every person mentioned in article 10(11) setting out the text of any correction subject to which the document is to be read.
 - (10) In making corrections to the original notice, the correction notice must do only one or more of the following –
 - (a) correct an error of grammar, spelling or syntax;
 - (b) correct an incorrect citation of applicable legislation;
 - (c) correct a cross-reference in the notice which is obviously incorrect; or
 - (d) correct a clerical error or omission or an error made in transcription or expression.
 - (11) Once a correction notice has been made, the original notice is to be treated for all purposes as if it had been made in the corrected form and, for the purposes of computation of time for judicial review by a petition of dolence, has effect as if the original notice had been made on the date on which the correction notice is made. **█**

MADE 17 MARCH 2015

P A GAWNE
Minister for Infrastructure



EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Town and Country Planning (Development Procedure) (No. 2) Order 2013 (SD 0238/13) to provide for the minor correction to notices of decisions where those notices have been issued.