

**Changes to legislation:** Planning (Listed Buildings and Conservation Areas) Act 1990, SCHEDULE 2 is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

### SCHEDULE 2

Section 5.

#### LAPSE OF BUILDING PRESERVATION NOTICES

##### Modifications etc. (not altering text)

- C1** Schs. 1, 2 modified by [S.I. 1990/1519](#), [reg. 13\(1\)](#)
- C2** Sch. 2 applied (Isles of Scilly) (with modifications) (2.10.2013) by [The Town and Country Planning \(Isles of Scilly\) Order 2013 \(S.I. 2013/2148\)](#), arts. 1(1), 3, [Sch. 1](#) (with art. 1(2))

- 1 This Schedule applies where a building preservation notice ceases to be in force by virtue of—
- (a) the expiry of the six month period mentioned in subsection (3)(b) of section 3; <sup>F1</sup>...
  - (b) the service of a notification by the Secretary of State under subsection (4)(b) of that section.
  - <sup>F2</sup>(c) the expiry of the six month period mentioned in subsection (3)(b) of section 3A; or
  - (d) the service of a notification by the Welsh Ministers under subsection (4)(b) of that section.]

##### Textual Amendments

- F1** Word in Sch. 2 para. 1 omitted (31.5.2017) by virtue of [Historic Environment \(Wales\) Act 2016 \(anaw 4\)](#), [ss. 25\(6\)\(a\)](#), 41(3); [S.I. 2017/633](#), art. 4(b) (with art. 6(3))
- F2** Sch. 2 para. 1(c)(d) inserted (31.5.2017) by [Historic Environment \(Wales\) Act 2016 \(anaw 4\)](#), [ss. 25\(6\)\(b\)](#), 41(3); [S.I. 2017/633](#), art. 4(b) (with art. 6(3))

- 2 The fact that the notice has ceased to be in force shall not affect the liability of any person to be prosecuted and punished for an offence under section 9<sup>F3</sup>, 43 or 44C] committed with respect to the building while it was in force.

##### Textual Amendments

- F3** Words in Sch. 2 para. 2 substituted (21.5.2016) by [Historic Environment \(Wales\) Act 2016 \(anaw 4\)](#), [ss. 29\(7\)\(a\)](#), 41(2)

- 3 Any proceedings on or arising out of an application for listed building consent with respect to the building made while the notice was in force and any such consent granted while it was in force shall lapse.
- 4 (1) Any listed building enforcement notice served by the local planning authority while the building preservation notice was in force shall cease to have effect.
- (2) Any proceedings on it under sections 38 to 40 shall lapse.

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- (3) Notwithstanding sub-paragraph (1), section 42(1) and (2) shall continue to have effect as respects any expenses incurred by the local authority, owner or occupier as mentioned in that section and with respect to any sums paid on account of such expenses.
- [<sup>F4</sup>(4) The reference to a local authority in sub-paragraph (3) above includes a reference to any National Park authority which is the local planning authority for any area.]

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**Textual Amendments**

- F4** Sch. 2 para. 4(4) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 33(5)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2**

- [<sup>F5</sup> Any temporary stop notice served by the local planning authority with respect to the building while the building preservation notice was in force ceases to have effect.]

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**Textual Amendments**

- F5** Sch. 2 para. 5 inserted (21.5.2016) by **Historic Environment (Wales) Act 2016 (anaw 4)**, **ss. 29(7)(b), 41(2)**

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**Changes and effects yet to be applied to :**

- Sch. 2 para. 1(c) omitted by 2023 asc 3 Sch. 13 para. 158(a)(ii)
- Sch. 2 para. 1(d) omitted by 2023 asc 3 Sch. 13 para. 158(a)(ii)
- Sch. 2 para. 5 omitted by 2023 asc 3 Sch. 13 para. 158(c)
- Sch. 2 para. 1 word inserted by 2023 asc 3 Sch. 13 para. 158(a)(i)
- Sch. 2 para. 2 word inserted by 2023 c. 55 s. 103(12)(a)
- Sch. 2 para. 5 words inserted by 2023 c. 55 s. 103(12)(c)
- Sch. 2 para. 2 words substituted by 2023 asc 3 Sch. 13 para. 158(b)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 3(1A)(1B) inserted by 2023 c. 55 s. 105(2)
- s. 12(4A) inserted by 2008 c. 29 Sch. 10 para. 16
- s. 16(2A) inserted by 2023 c. 55 s. 102(3)
- s. 17(4) inserted by 2023 c. 55 s. 124(4)
- s. 22(2A) inserted by 2008 c. 29 Sch. 10 para. 18(2)
- s. 40(2A) inserted by 2008 c. 29 Sch. 10 para. 19
- s. 44AA-44AC inserted by 2023 c. 55 s. 103(2)
- s. 46(1A) inserted by 2023 c. 55 s. 103(8)(a)
- s. 46(3A) inserted by 2023 c. 55 s. 103(8)(c)
- s. 49(1) s. 49 renumbered as s. 49(1) by 2023 asc 3 Sch. 13 para. 127(b)
- s. 49(2) inserted by 2023 asc 3 Sch. 13 para. 127(c)
- s. 54(8) inserted by 2023 c. 55 s. 104(2)(c)
- s. 55(2A) inserted by 2023 c. 55 s. 104(3)(a)
- s. 55(5H)(5I) inserted by 2023 c. 55 s. 104(3)(f)
- s. 55(5BA) inserted by 2023 c. 55 s. 104(3)(d)
- s. 56A and cross-heading inserted by 2016 anaw 4 s. 31(1)
- s. 66(1A) inserted by 2023 c. 55 s. 102(4)(a)
- s. 66(2A) inserted by 2023 c. 55 s. 102(4)(b)
- s. 66(5) inserted by 2023 asc 3 Sch. 13 para. 136
- s. 82A(2)(fza) inserted by 2023 c. 55 s. 103(9)
- s. 82A(2)(ha) inserted by 2016 anaw 4 s. 31(2)
- s. 88(3ZA) inserted by 2023 c. 55 s. 103(10)(a)
- s. 88B(1ZA) inserted by 2023 c. 55 s. 103(11)
- s. 89(1ZA) inserted by 2008 c. 29 Sch. 10 para. 22
- s. 89(1ZC) inserted by 2023 c. 55 s. 124(5)(b)
- s. 93(5A) inserted by 2008 c. 29 Sch. 10 para. 23(3)
- s. 93(5A) words inserted by 2013 c. 24 Sch. 17 para. 18(3)
- Sch. 2 para. 4A inserted by 2023 c. 55 s. 103(12)(b)
- Sch. 3 para. 2(4A) inserted by 2008 c. 29 Sch. 10 para. 24(2)
- Sch. 3 para. 2(9) inserted by 2008 c. 29 Sch. 10 para. 24(3)
- Sch. 3 para. 3(4A)(4B) inserted by 2008 c. 29 Sch. 10 para. 24(4)
- Sch. 3 para. 6(1A) inserted by 2008 c. 29 Sch. 10 para. 24(6)