



Planning (Hazardous Substances) Act 1990

1990 CHAPTER 10

Control over presence of hazardous substances

5 Power to prescribe hazardous substances.

- (1) For the purposes of this Act the Secretary of State—
 - (a) shall by regulations specify—
 - (i) the substances that are hazardous substances; and
 - (ii) the quantity which is to be the controlled quantity of any such substance; and
 - (b) may by regulations provide that, except in such circumstances as may be prescribed, all hazardous substances falling within a group specified in the regulations are to be treated as a single substance.
- (2) Regulations which—
 - (a) are made by virtue of subsection (1)(a)(i); or
 - (b) are made by virtue of subsection (1)(a)(ii) and reduce the controlled quantity of a substance,may make such transitional provision as appears to the Secretary of State to be appropriate.
- (3) The power [^{F1}under section 40(5) for regulations under this section to make transitional provision] includes, without prejudice to its generality, power to apply sections 11 and 26 subject to such modifications as appear to the Secretary of State to be appropriate.
- (4) Regulations under this section may make different provision for different cases or descriptions of cases.

Changes to legislation: Planning (Hazardous Substances) Act 1990, Section 5 is up to date with all changes known to be in force on or before 23 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

Textual Amendments

- F1** Words in s. 5(3) substituted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), **ss. 130(7), 255(3)(a)** (with s. 247)
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Modifications etc. (not altering text)

- C1** S. 5 Power to apply conferred (10.11.1993) by [1993 c. 28](#), **ss. 171(4)(c)**; S.I. 1993/2762, **art.3**
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Commencement Information

- I1** S. 5 in force for certain purposes at 11.3.1992; s. 5 wholly in force at 1.6.1992 see [S.I. 1992/725](#), art. 2, 3

Changes to legislation:

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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(4A) inserted by [2023 c. 55 Sch. 17 para. 4\(b\)](#)
- s. 9(2)(ca) inserted by [2023 c. 55 Sch. 6 para. 14](#)
- s. 10(4) inserted by [2023 c. 55 s. 124\(6\)](#)
- s. 20(4A) inserted by [2008 c. 29 Sch. 10 para. 26](#)
- s. 21(5A) inserted by [2008 c. 29 Sch. 10 para. 27](#)
- s. 37(3) inserted by [2008 c. 29 Sch. 10 para. 29](#)
- s. 37(5) inserted by [2023 c. 55 s. 124\(7\)\(b\)](#)
- Sch. para. 2(4A) inserted by [2008 c. 29 Sch. 10 para. 30\(2\)](#)
- Sch. para. 2(9) inserted by [2008 c. 29 Sch. 10 para. 30\(3\)](#)
- Sch. para. 3(4A)(4B) inserted by [2008 c. 29 Sch. 10 para. 30\(4\)](#)
- Sch. para. 6(1A) inserted by [2008 c. 29 Sch. 10 para. 30\(6\)](#)