

Status: Point in time view as at 01/10/1998.

Changes to legislation: There are currently no known outstanding effects for the Planning (Consequential Provisions) Act 1990, Paragraph 44. (See end of Document for details)

SCHEDULES

SCHEDULE 2

CONSEQUENTIAL AMENDMENTS

The Local Government, Planning and Land Act 1980 (c. 65)

- 44 (1) In section 3(5)(c) of the Local Government, Planning and Land Act 1980, for the words “the Town and Country Planning Act 1971” there shall be substituted the words “the Town and Country Planning Act 1990”.
- (2) In section 99(6)(a) of that Act, for the words “the Town and Country Planning Act 1971” there shall be substituted the words “the Town and Country Planning Act 1990”.
- ^{F1}(3)
- ^{F1}(4)
- (5) In section 148 of that Act—
- (a) in subsection (2), for the words “section 24 of the 1971 Act” there shall be substituted the words “section 59 of the 1990 Act”;
 - (b) in subsection (3), for the words “section 54(1) of the 1971 Act” there shall be substituted the words “section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990”;
 - (c) in subsection (4)—
 - (i) in paragraph (a), for the words “paragraph 32 of Schedule 16 to the Local Government Act 1972” there shall be substituted the words “paragraph 1 of Schedule 1 to the 1990 Act”;
 - (ii) in paragraph (b), for the words “Schedule 3 to the Town and Country Planning Act 1971” there shall be substituted the words “Part I of the 1990 Act”.
- (6) In section 149 of that Act—
- (a) in subsection (1) for the words “Part III of the 1971 Act” there shall be substituted the words “Part III of the 1990 Act”;
 - (b) in subsection (3)(a) for the words “the 1971 Act” there shall be substituted the words “the 1990 Act and the Planning (Listed Buildings and Conservation Areas) Act 1990”;
 - (c) in subsection (3)(b) for the words “the 1971 Act” there shall be substituted the words “those Acts”.
- (7) In section 170(1)(b) and (3)(a) of that Act for the words “the 1971 Act” there shall be substituted the words “the 1990 Act”.
- (8) In section 171 of that Act, for the word “1971” in both places where it occurs there shall be substituted the word “1990”.

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^{F1}(9)

^{F1}(10)

(11) In Schedule 28 to that Act—

- (a) in paragraph 14(6) for the words “Sections 238 and 240 of the 1971 Act” and “section 237(2) of the 1971 Act” there shall be substituted respectively the words “Sections 280 and 282 of the 1990 Act” and “section 279(2) of the 1990 Act”;
- (b) in paragraph 16(8) for the words “Sections 238 and 240 of the 1971 Act” and “section 237(3) of the 1971 Act” there shall be substituted respectively the words “Sections 280 and 282 of the 1990 Act” and “section 279(4) of the 1990 Act”.

(12) In Schedule 29 to that Act for the enactments referred to in Part I there shall be substituted—

“Sections 172, 173, 178, 183, 184, 188, 197, 198, 199, 201, 206, 207, 209, 211, 213 to 215, 219, 220 and 224 of the 1990 Act.

Sections 3, 4, 8, 10, 11, 13 to 16, 20, 23 to 25, 38, 42, 47, 48, 50, 53, 54, 60, 69 to 72, 74, 75 and 82 of the Planning (Listed Buildings and Conservation Areas) Act 1990.”

(13) For paragraphs 1 to 9 of Part II of that Schedule there shall be substituted—

“1 Section 139 of the 1990 Act shall have effect as if after the word “undertakers” there were inserted—

- (a) in paragraph (b) of subsection (1), the words “or an urban development corporation”;
- (b) in paragraph (c) of that subsection, the words “or any urban development corporation”; and
- (c) in subsection (3), the words “or urban development corporation”.

2 Section 140(2)(d) of that Act shall have effect as if after the word “undertakers” there were inserted the words “or an urban development corporation”.

3 Section 141(4) of that Act shall have effect as if after the word “undertakers” there were inserted the words “or an urban development corporation”.

4 Section 143(1)(b) of that Act shall have effect as if—

- (a) after the word “undertakers” in the first place where it occurs, there were inserted the words “or an urban development corporation”; and
- (b) after that word, in the second place where it occurs, there were inserted the words “or that corporation”.

5 The definition of “relevant provisions” in section 148 of that Act shall have effect as if after the word “undertaking” there were added the words “or, in the case of an urban development corporation, section 142 of the Local Government, Planning and Land Act 1980.”.

6 Section 249 of that Act shall have effect as if—

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- (a) in subsection (1) after the word “applies” there were inserted the words “subject to subsection (1A)”; and
 - (b) the following subsection were inserted after that subsection—
 - (1A) Any reference in this section and in section 250 to a local planning authority is to be construed as including a reference to an urban development corporation.
- 7 Section 251 of that Act shall have effect as if—
- (a) in subsection (1), for the word “Where” there were substituted the words “Subject to subsection (1A), where”; and
 - (b) the following subsection were inserted after that subsection—
- (1A) Where any land has been acquired by an urban development corporation or has vested in such a corporation and is for the time being held by them for the purpose of regenerating their area, the Secretary of State may by order extinguish any public right of way over the land if he is satisfied that an alternative right of way has been or will be provided or that the provision of an alternative right of way is not required.
- 8 Section 258 of that Act shall have effect as if—
- (a) in subsection (1), for the word “Where” there were substituted the words “Subject to subsection (1A), where”; and
 - (b) the following subsection were inserted after that subsection—
- (1A) Where any land has been acquired by an urban development corporation or has vested in such a corporation and is for the time being held by them for the purpose of regenerating their area, then, subject to section 259, the urban development corporation may by order extinguish any public right of way over the land being a footpath or bridleway, if they are satisfied that an alternative right of way has been or will be provided or that the provision of an alternative right of way is not required.
- 9 Section 330 of that Act shall have effect as if—
- (a) after the words “local authority” in the first place where they occur in subsection (1), there were inserted the words “or an urban development corporation”; and
 - (b) after those words, in the second place where they occur in subsection (1) and in subsection (3), there were inserted the words “or corporation”.
- 10 Section 33 of the Planning (Listed Buildings and Conservation Areas) Act 1990 shall have effect as if—
- (a) in subsection (1)(b) after the word “undertakers” there were inserted the words “or an urban development corporation”;
 - (b) in subsection (1)(c), after the word “undertakers” there were inserted the words “or an urban development corporation”;
 - (c) in subsection (3), after the word “undertakers” there were inserted the words “or corporation”.
- 11 Section 34(2)(d) of that Act shall have effect as if after the word “undertakers” there were inserted the words “or an urban development corporation”.

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- 12 Section 35(6) of that Act shall have effect as if after the word “undertakers” there were inserted the words “or an urban development corporation”.
- 13 Section 36(4) of that Act shall have effect as if after the word “undertakers” in the first place where it occurs there were inserted the words “or an urban development corporation” and in the second place where it occurs there were inserted the words “or that corporation”.
- 14 Section 91(2) of that Act shall have effect as if the words “urban development corporation” were inserted at the appropriate place.”

(14) In Schedule 32 to that Act—

- (a) in paragraph 7(2) for the words “subsection (9) of section 280 and subsections (1) to (6) of section 281 of the 1971 Act” and “to section 280” there shall be substituted respectively the words “subsection (8) of section 324 and section 325 of the 1990 Act” and “to section 324”;
- (b) in paragraph 8, for the word “1971”, in both places where it occurs, there shall be substituted the word “1990”;
- ^{F2}(c)
- (d) in paragraph 26—
- (i) in sub-paragraph (1) for the words “the 1971 Act”, in the first place where they occur, there shall be substituted the words “the 1990 Act, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990”;
- (ii) in that sub-paragraph for the definition of “the 1971 Act” there shall be substituted the words
- ““the 1990 Act” means the Town and Country Planning Act 1990”;
- and
- (iii) in sub-paragraph (2)(a) for the word “1971” there shall be substituted the word “1990”.

Textual Amendments

- F1** Sch. 2 para. 44(3)(4)(9)(10) repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. V** (with ss. 137(1), 139(2), 143(2)); S.I. 1998/2244, **art. 4**
- F2** Sch. 2 para. 44(14)(c) repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(3), **Sch. 1 Pt. I** (with s. 5, Sch. 3)

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