



Planning (Listed Buildings and Conservation Areas) Act 1990

1990 CHAPTER 9

PART I

LISTED BUILDINGS

CHAPTER 1

LISTING OF SPECIAL BUILDINGS

Annotations:

Modifications etc. (not altering text)

- C1** Chs. I, II (ss. 1-26) and IV (ss. 38-44) of Pt. I, ss. 54-56, 59-61, 66, 68-72, 74-76 and 88: power to apply conferred (10.11.1993) by [1993 c. 28, s. 171\(4\)\(b\)](#); [S.I. 1993/2762, art.3](#).

1 Listing of buildings of special architectural or historic interest.

- (1) For the purposes of this Act and with a view to the guidance of local planning authorities in the performance of their functions under this Act and the principal Act in relation to buildings of special architectural or historic interest, the Secretary of State shall compile lists of such buildings, or approve, with or without modifications, such lists compiled by the Historic Buildings and Monuments Commission for England (in this Act referred to as “the Commission”) or by other persons or bodies of persons, and may amend any list so compiled or approved.
- (2) The Secretary of State shall not approve any list compiled by the Commission if the list contains any building situated outside England.

Changes to legislation: Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter 1 is up to date with all changes known to be in force on or before 20 December 2017. 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)

(3) In considering whether to include a building in a list compiled or approved under this section, the Secretary of State may take into account not only the building itself but also—

- (a) any respect in which its exterior contributes to the architectural or historic interest of any group of buildings of which it forms part; and
- (b) the desirability of preserving, on the ground of its architectural or historic interest, any feature of the building consisting of a man-made object or structure fixed to the building or forming part of the land and comprised within the curtilage of the building.

(4) Before compiling, approving (with or without modifications) or amending any list under this section [^{F1}in relation to buildings which are situated in England] the Secretary of State shall consult—

- (a) ^{F2}... with the Commission; and
- (b) with such other persons or bodies of persons as appear to him appropriate as having special knowledge of, or interest in, buildings of architectural or historic interest.

[^{F3}(4A) Section 2A makes provision about consultation on amendments of any list under this section to include or exclude a building which is situated in Wales.]

(5) In this Act “listed building” means a building which is for the time being included in a list compiled or approved by the Secretary of State under this section; and for the purposes of this Act—

- (a) any object or structure fixed to the building;
- (b) any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1st July 1948,

shall [^{F4}, subject to subsection (5A)(a),] be treated as part of the building.

[^{F5}(5A) In a list compiled or approved under this section, an entry for a building situated in England may provide—

- (a) that an object or structure mentioned in subsection (5)(a) or (b) is not to be treated as part of the building for the purposes of this Act;
- (b) that any part or feature of the building is not of special architectural or historic interest.]

(6) Schedule 1 shall have effect for the purpose of making provision as to the treatment as listed buildings of certain buildings formerly subject to building preservation orders.

Annotations:

Amendments (Textual)

- F1** Words in s. 1(4) inserted (31.5.2017) by [Historic Environment \(Wales\) Act 2016 \(anaw 4\)](#), **ss. 26(1)(a)(i)**, 41(3); S.I. 2017/633, art. 4(c) (with art. 6(2))
- F2** Words in s. 1(4)(a) omitted (31.5.2017) by virtue of [Historic Environment \(Wales\) Act 2016 \(anaw 4\)](#), **ss. 26(1)(a)(ii)**, 41(3); S.I. 2017/633, art. 4(c) (with art. 6(2))
- F3** S. 1(4A) inserted (31.5.2017) by [Historic Environment \(Wales\) Act 2016 \(anaw 4\)](#), **ss. 26(1)(b)**, 41(3); S.I. 2017/633, art. 4(c) (with art. 6(2))
- F4** Words in s. 1(5) inserted (with application in accordance with Sch. 17 para. 20 of the amending Act) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(2), **Sch. 17 para. 8(2)**

Changes to legislation: Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter 1 is up to date with all changes known to be in force on or before 20 December 2017. 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)

F5 S. 1(5A) inserted (with application in accordance with Sch. 17 para. 20 of the amending Act) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(2), **Sch. 17 para. 8(3)**

Modifications etc. (not altering text)

C2 S. 1(1)-(5)(6) 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))

C3 Ss. 1(3)(5)(6), 3–5 modified by S.I. 1990/1519, **reg. 13(1)**

C4 S. 1: definition applied (30.11.1991) by Coal Mining Subsidence Act 1991 (c. 45, SIF 86), **s. 19(1)(c)**; S.I. 1991/2508, **art. 2**

S. 1(5) definition of “listed building” applied by London Underground (Safety Measures) Act 1991 (c. xviii), **s. 28(1)**

S. 1(5) applied (18.12.1996) by 1996 c. 61, s. 12, Sch. 7 paras. 1(5), **2(3)**

2 Publication of lists.

(1) As soon as possible after any list has been compiled or approved under section 1 or any amendments of such a list have been made, a copy of so much of the list as relates to any district [^{F6}, Welsh county, county borough,] or London borough or, as the case may be, of so much of the amendments as so relates, certified by or on behalf of the Secretary of State to be a true copy, shall be deposited—

(a) in the case of a London borough, with the council of the borough and with the chief officer of the Commission; ^{F7} . . .

(b) in the case of a district—

(i) with the district council;

(ii) with the county planning authority whose area or any part of whose area includes the district, or any part of it; and

(iii) where the district council are not the district planning authority, with that authority; [^{F8} and

(c) in the case of a Welsh county or county borough—

(i) with the county council or (as the case may be) the county borough council; and

(ii) with the local planning authority, if different from that council.]

(2) Any copy deposited under subsection (1) shall be a local land charge, and the council with whom a copy is deposited shall be treated for the purposes of the ^{M1}Local Land Charges Act 1975 as the originating authority as respects the charge constituted by the deposit.

(3) As soon as possible after the inclusion of any building [^{F9}situated in England] in a list under section 1 (whether it is included when the list is compiled, approved or amended) or as soon as possible after any such list has been amended by the exclusion of [^{F10}any such building] from it—

(a) the Secretary of State shall inform the council of the district ^{F11}... or London borough in whose area the building is situated of the inclusion or exclusion; and

(b) the council shall serve a notice in the prescribed form on every owner and occupier of the building, stating that the building has been included in or excluded from the list.

[^{F12}(3A) As soon as possible after amending a list under section 1 to include or exclude a building which is situated in Wales, the Welsh Ministers—

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- (a) must inform the local planning authority in whose area the building is situated of its inclusion or exclusion; and
 - (b) in the case of an amendment to exclude a building, must serve a notice on every owner and occupier of the building, stating that the building has been excluded from the list.
- (3B) Section 2D makes provision about the further steps that the Welsh Ministers must take after amending a list under section 1 to include a building which is situated in Wales.]
- (4) The Secretary of State shall keep available for public inspection free of charge at reasonable hours and at a convenient place, copies of all lists and amendments of lists, compiled, approved or made by him under section 1.
- (5) Every authority with whom copies of any list or amendments are deposited under this section shall similarly keep available copies of so much of any such list or amendment as relates to buildings within their area.
- (6) For the purposes of subsection (5) the Commission shall be taken to be an authority whose area is Greater London.

Annotations:

Amendments (Textual)

- F6** Words in s. 2(1) inserted (1.4.1996) by 1994 c. 19, s. 20(4), **Sch. 6 Pt. II para. 25(1)(a)** (with ss. 54(5)(7), 55(5), 66(7), Sch. 17 para. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**
- F7** Word in s. 2(1)(a) repealed (1.4.1996) by 1994 c. 19, ss. 20(4), 66(8), Sch. 6 Pt. II para. 25(1)(a), **Sch. 18** (with ss. 54(5)(7), 55(5), 66(7), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**
- F8** S. 2(1)(c) and the preceding “and” inserted (1.4.1996) by 1994 c. 19, s. 20(4), **Sch. 6 Pt. II para. 25(1)(a)** (with ss. 54(5)(7), 55(5), 66(7), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**
- F9** Words in s. 2(3) inserted (31.5.2017) by Historic Environment (Wales) Act 2016 (anaw 4), **ss. 26(2)(a)(i)**, 41(3); S.I. 2017/633, art. 4(c) (with art. 6(2))
- F10** Words in s. 2(3) substituted (31.5.2017) by Historic Environment (Wales) Act 2016 (anaw 4), **ss. 26(2)(a)(ii)**, 41(3); S.I. 2017/633, art. 4(c) (with art. 6(2))
- F11** Words in s. 2(3)(a) omitted (31.5.2017) by virtue of Historic Environment (Wales) Act 2016 (anaw 4), **ss. 26(2)(b)**, 41(3); S.I. 2017/633, art. 4(c) (with art. 6(2))
- F12** S. 2(3A)(3B) inserted (31.5.2017) by Historic Environment (Wales) Act 2016 (anaw 4), **ss. 26(3)**, 41(3); S.I. 2017/633, art. 4(c) (with art. 6(2))

Modifications etc. (not altering text)

- C5** S. 2(1)-(3)(8) 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))

Marginal Citations

- M1** 1975 c.76.

[^{F13}2A Duty to consult on certain changes to lists

- (1) This section applies where the Welsh Ministers are proposing to—
- (a) include a building in a list compiled or approved under section 1; or
 - (b) exclude a building from such a list.
- (2) The Welsh Ministers must—

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- (a) serve a notice of the proposed inclusion or exclusion on the appropriate persons; and
 - (b) invite those persons to submit written representations about the proposal.
- (3) The appropriate persons are—
- (a) the owner and occupier of the building;
 - (b) the local planning authority in whose area the building is situated; and
 - (c) such other persons or bodies of persons as appear to the Welsh Ministers appropriate as having special knowledge of, or interest in, buildings of architectural or historic interest.
- (4) A notice under subsection (2) must—
- (a) specify the proposed inclusion or exclusion;
 - (b) specify the period within which representations about the proposal may be made, which must be at least 28 days beginning with the date on which the notice is served; and
 - (c) in the case of a proposed inclusion—
 - (i) include a statement of the effect of section 2B; and
 - (ii) specify the date on which interim protection takes effect under subsection (2) of that section.
- (5) The Welsh Ministers may by regulations amend subsection (3) by adding a description of person to the list of appropriate persons in that subsection; and where the Welsh Ministers do so, they may also make such amendments to this Act as they consider appropriate in consequence of the amendment to subsection (3).

Annotations:

Amendments (Textual)

- F13** Ss. 2A-2D inserted (21.3.2016 for specified purposes, 31.5.2017 in so far as not already in force) by [Historic Environment \(Wales\) Act 2016 \(anaw 4\)](#), **ss. 24(1), 41(1)(c)(3)**; S.I. 2017/633, **art. 5(c)** (with **art. 6(2)**)

2B Interim protection pending certain listing decisions

- (1) This section applies where the Welsh Ministers consult under section 2A on a proposal to include a building in a list compiled or approved under section 1.
- (2) The provisions of this Act (other than sections 47 to 51 and 59) and the principal Act have effect in relation to the building, from the beginning of the day specified in the notice for the purposes of section 2A(4)(c)(ii), as if the building were a listed building.
- (3) The protection conferred upon a building by virtue of subsection (2) is referred to in this Act as “interim protection”.
- (4) Interim protection conferred by virtue of subsection (2) ceases to have effect—
 - (a) where the Welsh Ministers include the building in a list compiled or approved under section 1, from the beginning of the day specified in the notice for the purposes of section 2D(2)(b); and
 - (b) where the Welsh Ministers decide not to include the building in such a list, from the beginning of the day specified in a notice issued to—
 - (i) the owner and occupier of the building; and

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(ii) the local planning authority in whose area the building is situated.

(5) The Welsh Ministers—

- (a) must publish by electronic means a list containing particulars of each building in relation to which interim protection has effect; and
- (b) must, on request, provide a copy of the notice served under section 2A(2) in respect of such a building.

Annotations:

Amendments (Textual)

F13 Ss. 2A-2D inserted (21.3.2016 for specified purposes, 31.5.2017 in so far as not already in force) by [Historic Environment \(Wales\) Act 2016 \(anaw 4\), ss. 24\(1\), 41\(1\)\(c\)\(3\)](#); S.I. 2017/633, art. 5(c) (with art. 6(2))

2C Provisions applicable on lapse of interim protection

Schedule 1A has effect as respects the lapse of interim protection.

Annotations:

Amendments (Textual)

F13 Ss. 2A-2D inserted (21.3.2016 for specified purposes, 31.5.2017 in so far as not already in force) by [Historic Environment \(Wales\) Act 2016 \(anaw 4\), ss. 24\(1\), 41\(1\)\(c\)\(3\)](#); S.I. 2017/633, art. 5(c) (with art. 6(2))

2D Review of certain listing decisions

- (1) This section applies where the Welsh Ministers include a building in a list compiled or approved under section 1.
- (2) As soon as possible after amending the list to include the building, the Welsh Ministers must serve on the owner and occupier of the building a notice which—
 - (a) states that the Welsh Ministers have included the building in the list;
 - (b) specifies the date on which the Welsh Ministers did so (and on which interim protection under section 2B(2) ceased to have effect); and
 - (c) states that the owner or occupier may make an application to the Welsh Ministers requesting them to review their decision to do so.
- (3) Where an owner or occupier of the building makes such an application, the Welsh Ministers must—
 - (a) carry out the review requested;
 - (b) make a decision on the review; and
 - (c) make such amendment to the list as they consider appropriate to give effect to that decision.
- (4) Except as provided in sections 62 and 63, the validity of a decision of the Welsh Ministers on the review is not to be questioned in any legal proceedings.
- (5) The Welsh Ministers must carry out a review under this section in such one or more of the following ways as appears to them to be appropriate—

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- (a) by means of a local inquiry;
 - (b) by means of a hearing;
 - (c) on the basis of written representations.
- (6) The Welsh Ministers must by regulations make provision about—
- (a) the grounds on which an application for a review under this section may be made;
 - (b) the form and manner in which such an application must be made;
 - (c) the information that must be provided to, or may be required by, the Welsh Ministers in connection with such an application; and
 - (d) the period within which such an application must be made.
- (7) The Welsh Ministers may by regulations make further provision in connection with reviews under this section.
- (8) Schedule 1B applies to reviews under this section.]

Annotations:

Amendments (Textual)

F13 Ss. 2A-2D inserted (21.3.2016 for specified purposes, 31.5.2017 in so far as not already in force) by [Historic Environment \(Wales\) Act 2016 \(anaw 4\)](#), [ss. 24\(1\), 41\(1\)\(c\)\(3\)](#); [S.I. 2017/633](#), [art. 5\(c\)](#) (with [art. 6\(2\)](#))

3 Temporary listing ^{F14}in England]: building preservation notices.

- (1) ^{F15}If it appears to a local planning authority in England who are not a county planning authority] that a building in their area which is not a listed building—
- (a) is of special architectural or historic interest; and
 - (b) is in danger of demolition or of alteration in such a way as to affect its character as a building of such interest,
- they may serve on the owner and occupier of the building a notice (in this Act referred to as a “building preservation notice”).
- (2) A building preservation notice served by a local planning authority ^{F16}under this section] shall—
- (a) state that the building appears to them to be of special architectural or historic interest and that they have requested the Secretary of State to consider including it in a list compiled or approved under section 1; and
 - (b) explain the effect of subsections (3) to (5) and Schedule 2.
- (3) A building preservation notice ^{F17}under this section] —
- (a) shall come into force as soon as it has been served on both the owner and occupier of the building to which it relates; and
 - (b) subject to subsection (4), shall remain in force for six months from the date when it is served or, as the case may be, last served.
- (4) A building preservation notice ^{F18}under this section] shall cease to be in force if the Secretary of State—
- (a) includes the building in a list compiled or approved under section 1, or
 - (b) notifies the local planning authority in writing that he does not intend to do so.

Changes to legislation: Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter 1 is up to date with all changes known to be in force on or before 20 December 2017. 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)

- (5) While a building preservation notice [^{F19}under this section] is in force with respect to a building, the provisions of this Act (other than section 59) and the principal Act shall have effect in relation to the building as if it were a listed building.
- (6) If, following the service of a building preservation notice [^{F20}under this section], the Secretary of State notifies the local planning authority that he does not propose to include the building in a list compiled or approved under section 1, the authority shall immediately give notice of that decision to the owner and occupier of the building.
- (7) Following such a notification by the Secretary of State no further building preservation notice in respect of the building shall be served by the local planning authority within the period of 12 months beginning with the date of the notification.
- (8) The Commission shall, as respects any London borough, have concurrently with the council of that borough the functions of a local planning authority under this section; and references to the local planning authority shall be construed accordingly.

Annotations:

Amendments (Textual)

- F14** Words in s. 3 heading inserted (31.5.2017) by [Historic Environment \(Wales\) Act 2016 \(anaw 4\)](#), **ss. 25(2), 41(3)**; [S.I. 2017/633](#), **art. 4(b)** (with **art. 6(3)**)
- F15** Words in s. 3(1) substituted (31.5.2017) by [Historic Environment \(Wales\) Act 2016 \(anaw 4\)](#), **ss. 25(1), 41(3)**; [S.I. 2017/633](#), **art. 4(b)** (with **art. 6(3)**)
- F16** Words in s. 3(2) inserted (31.5.2017) by [Historic Environment \(Wales\) Act 2016 \(anaw 4\)](#), **ss. 26(4)(a), 41(3)**; [S.I. 2017/633](#), **art. 4(c)** (with **art. 6(3)**)
- F17** Words in s. 3(3) inserted (31.5.2017) by [Historic Environment \(Wales\) Act 2016 \(anaw 4\)](#), **ss. 26(4)(b), 41(3)**; [S.I. 2017/633](#), **art. 4(c)** (with **art. 6(3)**)
- F18** Words in s. 3(4) inserted (31.5.2017) by [Historic Environment \(Wales\) Act 2016 \(anaw 4\)](#), **ss. 26(4)(c), 41(3)**; [S.I. 2017/633](#), **art. 4(c)** (with **art. 6(3)**)
- F19** Words in s. 3(5) inserted (31.5.2017) by [Historic Environment \(Wales\) Act 2016 \(anaw 4\)](#), **ss. 26(4)(d), 41(3)**; [S.I. 2017/633](#), **art. 4(c)** (with **art. 6(3)**)
- F20** Words in s. 3(6) inserted (31.5.2017) by [Historic Environment \(Wales\) Act 2016 \(anaw 4\)](#), **ss. 26(4)(e), 41(3)**; [S.I. 2017/633](#), **art. 4(c)** (with **art. 6(3)**)

Modifications etc. (not altering text)

- C6** Ss. 1(3)(5)(6), 3–5 modified by [S.I. 1990/1519](#), **reg. 13(1)**
- C7** S. 3 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)**)
- C8** S. 3(1): functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853](#), **reg. 2(1), Sch. 1** Table A23

[^{F21}3A Temporary listing in Wales: building preservation notices

- (1) If it appears to a local planning authority in Wales that a building in their area which is not a listed building (and which is not treated as such by virtue of section 2B(2))—
 - (a) is of special architectural or historic interest; and
 - (b) is in danger of demolition or of alteration in such a way as to affect its character as a building of such interest,
 they may serve a notice on the owner and occupier of the building (in this Act referred to as a “building preservation notice”).

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- (2) A building preservation notice under this section must—
- (a) state that the building appears to them to be of special architectural or historic interest and that they have requested the Welsh Ministers to consider including it in a list compiled or approved under section 1; and
 - (b) explain the effect of subsections (3) to (5) and Schedule 2.
- (3) A building preservation notice under this section—
- (a) comes into force as soon as it has been served on both the owner and occupier of the building to which it relates; and
 - (b) subject to subsection (4), remains in force for six months from the date when it is served or, as the case may be, last served.
- (4) A building preservation notice under this section ceases to be in force—
- (a) if interim protection under section 2B(2) takes effect in relation to the building; or
 - (b) if the Welsh Ministers notify the local planning authority in writing that they do not intend to consult under section 2A on a proposal to include the building in a list compiled or approved under section 1.
- (5) While a building preservation notice under this section is in force with respect to a building, the provisions of this Act (other than sections 47 to 51 and 59) and the principal Act have effect in relation to the building as if it were a listed building.
- (6) If, following the service of a building preservation notice under this section, interim protection under section 2B(2) takes effect in relation to the building, anything done by virtue of subsection (5) is to be treated as having been done by virtue of section 2B(2).
- (7) If, following the service of a building preservation notice under this section, the Welsh Ministers notify the local planning authority that they do not intend to consult under section 2A on a proposal to include the building in a list compiled or maintained under section 1, the authority must immediately give notice of that decision to the owner and occupier of the building.
- (8) Where such a notification is given by the Welsh Ministers, no further building preservation notice in respect of the building may be served by the local planning authority within the period of 12 months beginning with the date of the notification.]

Annotations:

Amendments (Textual)

F21 S. 3A inserted (31.5.2017) by [Historic Environment \(Wales\) Act 2016 \(anaw 4\)](#), **ss. 25(3), 41(3)**; S.I. 2017/633, **art. 4(b)** (with **art. 6(3)**)

4 Temporary listing in urgent cases.

- (1) If it appears to the local planning authority to be urgent that a building preservation notice should come into force, they may, instead of serving the notice on the owner and occupier of the building, affix the notice conspicuously to some object on the building.
- (2) The affixing of a notice under subsection (1) shall be treated for all the purposes of [F22sections 3 and 3A,] this section, sections 5 and 10 to 26 and Schedule 2 as service of the notice.

Changes to legislation: Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter 1 is up to date with all changes known to be in force on or before 20 December 2017. 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)

- (3) A notice which is so affixed must explain that by virtue of being so affixed it is treated as being served for those purposes.
- (4) The Commission shall, as respects any London borough, have concurrently with the council of that borough the functions of a local planning authority under this section; and references to the local planning authority shall be construed accordingly.

Annotations:

Amendments (Textual)

F22 Words in s. 4(2) substituted (31.5.2017) by [Historic Environment \(Wales\) Act 2016 \(anaw 4\)](#), [ss. 26\(5\)](#), [41\(3\)](#); [S.I. 2017/633](#), [art. 4\(c\)](#) (with [art. 6\(3\)](#))

Modifications etc. (not altering text)

C9 Ss. 1(3)(5)(6), 3–5 modified by [S.I. 1990/1519](#), [reg. 13\(1\)](#)

C10 S. 4 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\(2\)](#))

C11 S. 4(1): functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853](#), [reg. 2\(1\)](#), [Sch. 1](#) Table A23

5 Provisions applicable on lapse of building preservation notice.

[^{F23}(1)] Schedule 2 to this Act shall have effect as respects the lapse of building preservation notices.

[^{F24}(2) See section 3A(6) for provision as respects the lapse of building preservation notices in consequence of interim protection taking effect.]

Annotations:

Amendments (Textual)

F23 [S. 5\(1\)](#): s. 5 renumbered as s. 5(1) (31.5.2017) by [Historic Environment \(Wales\) Act 2016 \(anaw 4\)](#), [ss. 26\(6\)\(a\)](#), [41\(3\)](#); [S.I. 2017/633](#), [art. 4\(c\)](#) (with [art. 6\(3\)](#))

F24 [S. 5\(2\)](#) inserted (31.5.2017) by [Historic Environment \(Wales\) Act 2016 \(anaw 4\)](#), [ss. 26\(6\)\(b\)](#), [41\(3\)](#); [S.I. 2017/633](#), [art. 4\(c\)](#) (with [art. 6\(3\)](#))

Modifications etc. (not altering text)

C12 Ss. 1(3)(5)(6), 3–5 modified by [S.I. 1990/1519](#), [reg. 13\(1\)](#)

C13 S. 5 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\(2\)](#))

6 Issue of certificate that building not intended to be listed^{F25}: England].

[^{F26}(A1) The Secretary of State may, on the application of any person, issue a certificate stating that the Secretary of State does not intend to list a building situated in England.]

^{F27}(1)

(2) The issue of [^{F28}a certificate under subsection (A1) ^{F29}...] in respect of a building shall

Changes to legislation: Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter 1 is up to date with all changes known to be in force on or before 20 December 2017. 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)

- (a) preclude the Secretary of State for a period of 5 years from the date of issue from exercising in relation to that building any of the powers conferred on him by section 1; and
 - (b) preclude the local planning authority for that period from serving a building preservation notice in relation to it.
- (3) Notice of an application under subsection [^{F30}(A1) ^{F31}...] shall be given to the local planning authority within whose area the building is situated at the same time as the application is submitted to the Secretary of State.
- (4) In this section “local planning authority”, in relation to a building in Greater London, includes the Commission.

Annotations:

Amendments (Textual)

- F25** Word in s. 6 heading inserted (21.5.2016) by [Historic Environment \(Wales\) Act 2016 \(anaw 4\)](#), **ss. 27(2), 41(2)**
- F26** S. 6(A1) inserted (25.6.2013) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), **Sch. 17 para. 9(2)**; S.I. 2013/1455, art. 2(d) (with art. 4(2))
- F27** S. 6(1) omitted (21.5.2016) by virtue of [Historic Environment \(Wales\) Act 2016 \(anaw 4\)](#), **ss. 27(1)(a), 41(2)**
- F28** Words in s. 6(2) substituted (25.6.2013) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), **Sch. 17 para. 9(4)**; S.I. 2013/1455, art. 2(d) (with art. 4(2))
- F29** Words in s. 6(2) omitted (21.5.2016) by virtue of [Historic Environment \(Wales\) Act 2016 \(anaw 4\)](#), **ss. 27(1)(b), 41(2)**
- F30** Words in s. 6(3) inserted (25.6.2013) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), **Sch. 17 para. 9(5)**; S.I. 2013/1455, art. 2(d) (with art. 4(2))
- F31** Words in s. 6(3) omitted (21.5.2016) by virtue of [Historic Environment \(Wales\) Act 2016 \(anaw 4\)](#), **ss. 27(1)(c), 41(2)**

[^{F32}**6A Issue of certificate that building not intended to be listed: Wales**

- (1) The Welsh Ministers may, on the application of any person, issue a certificate stating that the Welsh Ministers do not intend to list a building situated in Wales.
- (2) The issue of a certificate under subsection (1) in respect of a building?—
 - (a) precludes the Welsh Ministers for a period of 5 years from the date of issue from exercising in relation to that building any of the powers conferred on them by section 1 or 2A; and
 - (b) precludes the local planning authority for that period from serving a building preservation notice in relation to it.
- (3) Notice of an application under subsection (1) must be given to the local planning authority within whose area the building is situated at the same time as the application is submitted to the Welsh Ministers.]

Annotations:

Amendments (Textual)

- F32** S. 6A inserted (21.5.2016) by [Historic Environment \(Wales\) Act 2016 \(anaw 4\)](#), **ss. 27(3), 41(2)**

Changes to legislation:

Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter 1 is up to date with all changes known to be in force on or before 20 December 2017. 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.

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. 12(4A) inserted by 2008 c. 29 Sch. 10 para. 16
- 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. 56A and cross-heading inserted by 2016 anaw 4 s. 31(1)
- s. 82A(2)(ha) inserted by 2016 anaw 4 s. 31(2)
- s. 89(1ZA) inserted by 2008 c. 29 Sch. 10 para. 22
- 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. 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)