



# Planning (Listed Buildings and Conservation Areas) Act 1990

## 1990 CHAPTER 9

### PART IV

#### SUPPLEMENTAL

#### 93 Regulations and orders.

- (1) The Secretary of State may make regulations under this Act [<sup>F1</sup>in relation to England and the Welsh Ministers may make regulations under this Act in relation to Wales]—
  - (a) for prescribing the form of any notice, order or other document authorised or required by any of the provisions of this Act to be served, made or issued by any local authority [<sup>F2</sup>or National Park authority];
  - (b) for any purpose for which regulations are authorised or required to be made under this Act.
- (2) Any power conferred by this Act to make regulations shall be exercisable by statutory instrument.
- (3) Any statutory instrument containing regulations made under this Act [<sup>F3</sup>, other than regulations under section 2A, 26M or 56A,] shall be subject to annulment in pursuance of a resolution of either House of Parliament [<sup>F4</sup>(in the case of regulations made by the Secretary of State) or the National Assembly for Wales (in the case of regulations made by the Welsh Ministers)].
- [<sup>F5</sup>(3A) A statutory instrument containing regulations under section 2A, 26M or 56A may not be made by the Welsh Ministers unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.]
- (4) The power to make orders under sections 8(5), [<sup>F6</sup>26C,][<sup>F7</sup>55(5B),] 60, 75(7) [<sup>F8</sup>, 88E] and 92 shall be exercisable by statutory instrument.
- (5) Any statutory instrument which contains an order under section [<sup>F9</sup>55(5B),] 60 or 75(7) shall be subject to annulment in pursuance of a resolution of either House of Parliament

*Changes to legislation: Planning (Listed Buildings and Conservation Areas) Act 1990, Section 93 is up to date with all changes known to be in force on or before 20 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*

[<sup>F10</sup>(in the case of an order made by the Secretary of State) or the National Assembly for Wales (in the case of an order made by the Welsh Ministers)].

[<sup>F11</sup>(6) Regulations made under this Act and orders made under this Act by statutory instrument may make consequential, supplementary, incidental, transitional, transitory or saving provision.]

[<sup>F12</sup>(6A) Regulations and orders may make different provision for different purposes.

(6B) The powers to make regulations under sections 10(3)(b), 67(1) and 73(1) must be taken to be powers mentioned in section 100(2) of the Local Government Act 2003 (powers exercisable in relation to descriptions of certain local authorities which fall into particular categories for the purposes of section 99 of that Act).]

(7) Without prejudice to section 14 of the <sup>M1</sup>Interpretation Act 1978, any power conferred by this Act to make an order shall include power to vary or revoke any such order by a subsequent order.

#### Textual Amendments

- F1** Words in s. 93(1) inserted (21.3.2016) by [Historic Environment \(Wales\) Act 2016 \(anaw 4\)](#), **ss. 40(3), 41(1)(f)**
- F2** S. 93(1)(a) amended (23.11.1995) by [1995 c. 25, s. 78](#), **Sch. 10 para. 33(4)** (with [ss. 7\(6\), 115, 117, Sch. 8 para. 7](#)); [S.I. 1995/2950, art. 2](#)
- F3** Words in s. 93(3) inserted (21.3.2016) by [Historic Environment \(Wales\) Act 2016 \(anaw 4\)](#), **ss. 40(4)(a), 41(1)(f)**
- F4** Words in s. 93(3) inserted (21.3.2016) by [Historic Environment \(Wales\) Act 2016 \(anaw 4\)](#), **ss. 40(4)(b), 41(1)(f)**
- F5** S. 93(3A) inserted (21.3.2016) by [Historic Environment \(Wales\) Act 2016 \(anaw 4\)](#), **ss. 40(5), 41(1)(f)**
- F6** Word in s. 93(4) inserted (6.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), **Sch. 17 para. 18(2)**; [S.I. 2014/416, art. 3\(e\)](#)
- F7** Word in s. 93(4) inserted (21.3.2016) by [Historic Environment \(Wales\) Act 2016 \(anaw 4\)](#), **ss. 40(6), 41(1)(f)**
- F8** Word in s. 93(4) inserted (11.11.2014) by [The Town and Country Planning \(Determination of Procedure\) \(Wales\) Order 2014 \(S.I. 2014/2773\)](#), art. 1(2), **Sch. 1 para. 22**
- F9** Word in s. 93(5) inserted (21.3.2016) by [Historic Environment \(Wales\) Act 2016 \(anaw 4\)](#), **ss. 40(7)(a), 41(1)(f)**
- F10** Words in s. 93(5) inserted (21.3.2016) by [Historic Environment \(Wales\) Act 2016 \(anaw 4\)](#), **ss. 40(7)(b), 41(1)(f)**
- F11** S. 93(6) substituted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), **ss. 130(4), 255(3)(a)** (with s. 247)
- F12** S. 93(6A)(6B) inserted (6.8.2004 for specified purposes, otherwise 28.9.2004) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), [ss. 118\(1\), 121\(1\)](#), **Sch. 6 para. 26** (with s. 111); [S.I. 2004/2097, art. 2](#); [S.I. 2004/2202, art. 3\(e\)](#)

#### Marginal Citations

- M1** 1978 c. 30.

**Changes to legislation:**

Planning (Listed Buildings and Conservation Areas) Act 1990, Section 93 is up to date with all changes known to be in force on or before 20 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.

[View outstanding changes](#)

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

- s. 93(1) words omitted by 2023 asc 3 Sch. 13 para. 155(a)
- s. 93(3) words omitted by 2023 asc 3 Sch. 13 para. 155(b)(i)
- s. 93(3) words omitted by 2023 asc 3 Sch. 13 para. 155(b)(ii)
- s. 93(3A) omitted by 2023 asc 3 Sch. 13 para. 155(c)
- s. 93(4) word inserted by 2008 c. 29 Sch. 10 para. 23(2)
- s. 93(4) word omitted by 2023 asc 3 Sch. 13 para. 155(d)(i)
- s. 93(4) word omitted by 2023 asc 3 Sch. 13 para. 155(d)(ii)
- s. 93(5) word omitted by 2023 asc 3 Sch. 13 para. 155(e)(i)
- s. 93(5) words omitted by 2023 asc 3 Sch. 13 para. 155(e)(ii)
- s. 93(6) words omitted by 2023 asc 3 Sch. 13 para. 155(f)

**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\(6\)](#)