
STATUTORY INSTRUMENTS

1992 No. 725 (C.20)

**TOWN AND COUNTRY PLANNING,
ENGLAND AND WALES**

**The Planning (Hazardous Substances) Act 1990
(Commencement and Transitional Provisions) Order 1992**

Made - - - - 10th March 1992

The Secretary of State, in exercise of the powers conferred on him by section 41(3) of the Planning (Hazardous Substances) Act 1990⁽¹⁾ and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Planning (Hazardous Substances) Act 1990 (Commencement and Transitional Provisions) Order 1992.

(2) In this Order, “the 1990 Act” means the Planning (Hazardous Substances) Act 1990.

Provisions coming into force with limited effect on 11th March 1992

2. So much of the provisions of the 1990 Act as confer on the Secretary of State a power or impose upon him a duty to make regulations, or make provision with respect to the exercise of any such power or duty, shall come into force, for the purpose only of enabling or requiring the Secretary of State to make regulations, on 11th March 1992.

Provisions coming into force on 1st June 1992

3. The provisions of the 1990 Act, so far as not brought into force by article 2, shall come into force on 1st June 1992.

Transitional exemptions

4.—(1) No offence is committed under section 23⁽²⁾ of the 1990 Act, and no hazardous substances contravention notice may be issued, in respect of the presence of a hazardous substance without hazardous substances consent during the period of 28 days beginning with 1st June 1992.

(1) 1990 c. 10.

(2) Section 23 was amended by paragraph 10 of Schedule 3 to the Planning and Compensation Act 1991 (c. 34).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(2) Where an application for hazardous substances consent under the 1990 Act is received by the hazardous substances authority within the 28 day period mentioned in paragraph (1), no offence is committed under section 23, and no hazardous substances contravention notice may be issued, in respect of a hazardous substance included in the application and present on, over or under the land to which the application applies during the period beginning with the date on which the application is so received and ending on the determination of the application, or 8 weeks after the application is so received, whichever is the earlier.

(3) This article is without prejudice to the transitional exemption in section 26 of the 1990 Act.

10th March 1992

Michael Heseltine
Secretary of State for the Environment

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force the Planning (Hazardous Substances) Act 1990.

Article 2 of the Order brings into force on 11th March 1992 the provisions of the 1990 Act which confer upon the Secretary of State a power or duty to make regulations.

Article 3 of the Order brings the remainder of the 1990 Act into force on 1st June 1992.

Article 4 contains a transitional exemption.