



Planning (Hazardous Substances) Act 1990

1990 CHAPTER 10

Supplemental

39 Interpretation.

(1) In this Act —

“contravention of hazardous substances control” has the meaning given in section 23(2);

[^{F1}“development consent” means development consent under the Planning Act 2008;]

“hazardous substances authority” is to be construed in accordance with sections 1 [^{F2}and] 3;

“hazardous substances consent” means consent required by section 4;

“hazardous substances contravention notice” means such a notice as is mentioned in section 24(1);

“the principal Act” means the ^{M1}Town and Country Planning Act 1990.

[^{F3}“the safety regulator” means—

(a) in relation to land which is, or is on, a nuclear site (within the meaning of Part 3 of the Energy Act 2013), the Office for Nuclear Regulation;

(b) otherwise, the Health and Safety Executive.]

(2) In this Act, except in so far as the context otherwise requires and subject to the following provisions of this section, the following expressions have the same meaning as in the principal Act—

^{F4} . . . ;

^{F4} . . . ;

“the Broads”;

“development”;

“development plan”;

“enactment”;

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- “functions”;
- “government department”;
- “joint planning board”;
- “land”;
- “local authority”;
- “local planning authority”;
- “London borough”;
- “mineral working deposit”;
- “minerals”;
- “Minister”;
- ^{F4} . . . ;
- “owner”;
- “the planning Acts”;
- “prescribed”;
- “public gas supplier”;
- “statutory undertakers”;
- “tenancy”;
- “urban development area” and “urban development corporation”;
- “use”;
- “Valuation Office”;

but this subsection does not affect the meaning of “owner” in section 8.

- (3) For the purposes of sections 4 to 21 and 23 to 26 any two bodies corporate are to be treated as being one person if—
 - (a) one of them is a body corporate of which the other is a subsidiary (within the meaning of [^{F5}section 1159 of the Companies Act 2006]); or
 - (b) both of them are subsidiaries (within the meaning of that Act) of one and the same body corporate.
- (4) For the purposes of sections ^{F6} . . . 12 and 38(2) a public gas supplier shall be deemed to be a statutory undertaker ^{F6} . . .
- (5) For the purposes of sections ^{F7} . . . 12 and [^{F8}38(2) the Environment Agency, the Natural Resources Body for Wales and every] water or sewerage undertaker shall be deemed to be a statutory undertaker ^{F7} . . .
- (6) For the purposes of section 38(2) [^{F9}a universal service provider (within the meaning of [^{F10}Part 3 of the Postal Services Act 2011]) in connection with the provision of a universal postal service (within the meaning of [^{F11}that Part])], the Civil Aviation Authority [^{F12}, a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (to the extent that the person is carrying out activities authorised by the licence)] and any holder of a licence under section 6(1) of the ^{M2}Electricity Act 1989 shall be deemed to be statutory undertakers ^{F6} . . .

^{F13}(7)

^{F13}(8)

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Textual Amendments

- F1** Words in s. 39(1) inserted (1.3.2010) by [Planning Act 2008 \(c. 29\)](#), s. 241(8), [Sch. 2 para. 47](#) (with s. 226); [S.I. 2010/101](#), [art. 2](#) (with [art. 6](#))
- F2** Word "and" substituted (1.1.1992) for "to" by [Environmental Protection Act 1990 \(c. 43\)](#), SIF 46:4, s. 144, [Sch. 13 Pt. I para. 2\(7\)](#); [S.I. 1991/2829](#), [art. 3](#)
- F3** Words in s. 39(1) inserted (1.4.2014) by [The Energy Act 2013 \(Office for Nuclear Regulation\) \(Consequential Amendments, Transitional Provisions and Savings\) Order 2014 \(S.I. 2014/469\)](#), art. 1(2), [Sch. 2 para. 10\(7\)](#) (with [Sch. 4](#))
- F4** Entries repealed (1.1.1992) by [Environmental Protection Act 1990 \(c. 43\)](#), SIF 46:4, s. 162(2), [Sch. 16 Pt. VII](#); [S.I. 1991/2829](#), [art. 3](#)
- F5** Words in s. 39(3)(a) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), [Sch. 1 para. 116](#) (with [art. 10](#))
- F6** Words repealed (1.1.1992) by [Environmental Protection Act 1990 \(c. 43\)](#), SIF 46:4, s. 162(2), [Sch. 16 Pt. VII](#); [S.I. 1991/2829](#), [art. 3](#)
- F7** Words repealed (1.1.1992) by [Environmental Protection Act 1990 \(c. 43\)](#), SIF 46:4, s. 162(2), [Sch. 16 Pt. VII](#); [S.I. 1991/2829](#), [art. 3](#)
- F8** Words in s. 39(5) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), [Sch. 2 para. 206](#) (with [Sch. 7](#))
- F9** Words in s. 39(6) substituted (26.3.2001) by [S.I. 2001/1149](#), art. 3(1), [Sch. 1 para. 85](#) (with [art. 4](#))
- F10** Words in s. 39(6) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 132\(a\)](#); [S.I. 2011/2329](#), [art. 3](#)
- F11** Words in s. 39(6) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 132\(b\)](#); [S.I. 2011/2329](#), [art. 3](#)
- F12** Words in s. 39(6) inserted (1.4.2001) by [2000 c. 38](#), s. 37, [Sch. 5 para. 9](#); [S.I. 2001/869](#), [art. 2](#)
- F13** S. 39(7)(8) repealed (1.1.1992) by [Environmental Protection Act 1990 \(c. 43\)](#), SIF 46:4, s. 162(2), [Sch. 16 Pt. VII](#); [S.I. 1991/2829](#), [art. 3](#)

Modifications etc. (not altering text)

- C1** S. 39 extended (1.3.1996) by [1995 c. 45](#), s. 16(1), [Sch. 4 para. 2\(2\)\(k\)](#); [S.I. 1996/218](#), [art. 2](#)

Commencement Information

- I1** S. 39 wholly in force at 1.6.1992 see [S.I. 1992/725](#), art. 3; s. 39 in force for certain purposes at 11.3.1992 see [S.I. 1992/725](#), art. 2

Marginal Citations

- M1** [1990 c. 8](#).
M2 [1989 c. 29](#).

40 Regulations [^{F14}and orders].

- (1) The Secretary of State may make regulations under this Act for any purpose for which regulations are authorised or required to be made under this Act, not being a purpose for which regulations are authorised or required to be made by another Minister.
- (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 shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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[^{F15}(4) Regulations may make different provision for different purposes.]

[^{F16}(5) Regulations made under this Act and orders made under this Act by statutory instrument may make consequential, supplementary, incidental, transitional, transitory or saving provision.]

Textual Amendments

- F14** Words in s. 40 heading inserted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), [ss. 130\(6\)\(a\)](#), [255\(3\)\(a\)](#) (with [s. 247](#))
- F15** S. 40(4) inserted (6.8.2004 for specified purposes) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), [Sch. 6 para. 27](#) (with [s. 111](#)); [S.I. 2004/2097](#), art. 2
- F16** S. 40(5) inserted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), [ss. 130\(6\)\(b\)](#), [255\(3\)\(a\)](#) (with [s. 247](#))

Commencement Information

- I2** S. 40 wholly in force at 1.6.1992 see [S.I. 1992/725](#), art. 3; s. 40 in force for certain purposes at 11.3.1992 see [S.I. 1992/725](#), art. 2

41 Short title, commencement and extent.

(1) This Act may be cited as the Planning (Hazardous Substances) Act 1990.

^{F17}(2)

(3) ^{F18}... The provisions of this Act (other than this section) shall come into force on such day as may be appointed by the Secretary of State by order made by statutory instrument and—

- (a) different days may be appointed for different provisions or for different purposes; and
- (b) an order may make such transitional provision as the Secretary of State thinks appropriate.

(4) This Act extends to England and Wales only.

Subordinate Legislation Made

- P1** S. 41(3) power exercised: 11.3.1992 and 1.6.1992 appointed, see [S.I. 1992/725](#)

Textual Amendments

- F17** S. 41(2) repealed (21.7.2008) by [Statute Law \(Repeals\) Act 2008 \(c. 12\)](#), [Sch. 1 Pt. 9](#)
- F18** Words in s. 41(3) repealed (21.7.2008) by [Statute Law \(Repeals\) Act 2008 \(c. 12\)](#), [Sch. 1 Pt. 9](#)

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\(6\)](#)