Planning (Listed Buildings and Conservation Areas) Act 1990

1990 CHAPTER 9

PART I

LISTED BUILDINGS

CHAPTER V

PREVENTION OF DETERIORATION AND DAMAGE

Urgent preservation

54 Urgent works to preserve unoccupied listed buildings.

(1) A local authority may execute any works which appear to them to be urgently necessary for the preservation of a listed building in their area.

(2) If it appears to the Secretary of State that any works are urgently necessary for the preservation of a listed building—

(a) if the building is in England, he shall authorise the Commission to execute any works specified in the authorisation which appear to him to be urgently necessary for its preservation; or

(b) if the building is in Wales, he may himself execute any works which appear to him to be urgently necessary for its preservation.

(3) The works which may be executed under this section may consist of or include works for affording temporary support or shelter for the building.

(4) If the building is occupied works may be carried out only to those parts which are not in use.

Status: *Point in time view as at 30/04/2012.*
Changes to legislation: *Planning (Listed Buildings and Conservation Areas) Act 1990, Cross Heading: Urgent preservation is up to date with all changes known to be in force on or before 05 September 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)*

(5) The owner of the building must be given not less than seven days notice in writing of the intention to carry out the works and, in the case of works authorised under subsection (2)(a), the Commission shall give that notice.

(6) A notice under subsection (5) shall describe the works proposed to be carried out.

(7) As respects buildings in Greater London, the functions of a local authority under this section are exercisable concurrently by the Commission and the relevant London borough council.

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**.
S. 54: 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 A27
S. 54 extended (with modifications)(19.9.1995) by 1995 c. 25, ss. 70, 125(2), **Sch. 9 para. 13(4)(a)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)

C2 S. 54: functions made exercisable concurrently (1.2.2005) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **arts. 2**, 25(1)(2)(xxxii) (with art. 35)

C3 S. 54: functions made exercisable concurrently (1.2.2005) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **arts. 2**, 25(1)(2)(xxxii) (with art. 35)

C4 S. 54 restricted (22.7.2008) by Crossrail Act 2008 (c. 18), s. 16(1), **Sch. 9 paras. 1(1)(d)(3)**, 2(1)(d)

55 Recovery of expenses of works under s. 54.

(1) This section has effect for enabling the expenses of works executed under section 54 to be recovered by the authority who carried out the works, that is to say the local authority, the Commission or the Secretary of State or, in the case of works carried out by the Commission on behalf of the Secretary of State, the Secretary of State.

(2) That authority may give notice to the owner of the building requiring him to pay the expenses of the works.

(3) Where the works consist of or include works for affording temporary support or shelter for the building—
- (a) the expenses which may be recovered include any continuing expenses involved in making available the apparatus or materials used; and
- (b) notices under subsection (2) in respect of any such continuing expenses may be given from time to time.

(4) The owner may within 28 days of the service of the notice represent to the Secretary of State—
- (a) that some or all of the works were unnecessary for the preservation of the building; or
- (b) in the case of works for affording temporary support or shelter, that the temporary arrangements have continued for an unreasonable length of time; or
- (c) that the amount specified in the notice is unreasonable; or
- (d) that the recovery of that amount would cause him hardship,

Status: *Point in time view as at 30/04/2012.*
Changes to legislation: *Planning (Listed Buildings and Conservation Areas) Act 1990, Cross Heading: Urgent preservation is up to date with all changes known to be in force on or before 05 September 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)*

and the Secretary of State shall determine to what extent the representations are justified.

(5) The Secretary of State shall give notice of his determination, the reasons for it and the amount recoverable—

(a) to the owner of the building; and

(b) if the authority who gave notice under subsection (2) is a local authority or the Commission, to them.

[F1](6) . . . . . .

Textual Amendments

F1 S. 55(6) repealed (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 25, 84(6), Schs. 3 Pt. II para. 23, **19** Pt.I; S.I. 1991/2905, **art.3 sch. 2**

Modifications etc. (not altering text)

C5 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**.
S. 55 extended (with modifications) (19.9.1995) by 1995 c. 25, ss. 70, 125(2), **Sch. 9**, para. 13(4)(a) (with ss. 7(6), 115, 117, Sch. 8 para. 7)

C6 S. 55: functions made exercisable concurrently (1.2.2005) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **arts. 2**, 25(1)(2)(xxxii) (with art. 35)

C7 S. 55: functions made exercisable concurrently (1.2.2005) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **arts. 2**, 25(1)(2)(xxxii) (with art. 35)

56 Dangerous structure orders in respect of listed buildings.

Before taking any steps with a view to—

(a) the making of an order in respect of a listed building under section 77(1)(a) of the [M1]Building Act 1984 or section 65 or 69(1) of the London Building Acts (Amendment) Act 1939; or

(b) the [M2]service of a notice under section 79(1) of that Act of 1984 or section 62(2) of that Act of 1939,

a local planning authority shall consider whether they should instead exercise their powers under sections 47 and 48 or section 54.

Modifications etc. (not altering text)

C8 S. 56 applied (with modifications) by S.I. 1990/1519, reg. 12, **Sch. 3**

C9 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**.

C10 S. 56 modified (W.) (30.4.2012) by The Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012 (No. 793), regs. 1, 16, **Sch. 3**

Marginal Citations

M1 1984 c. 55.

M2 1939 c. xcvii.

Status:
Point in time view as at 30/04/2012.

Changes to legislation:
Planning (Listed Buildings and Conservation Areas) Act 1990, Cross Heading: Urgent preservation is up to date with all changes known to be in force on or before 05 September 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.