



Planning (Listed Buildings and Conservation Areas) Act 1990

1990 CHAPTER 9

PART IV

SUPPLEMENTAL

Modifications etc. (not altering text)

- C1** Pt. IV applied (with modifications) (E.) (6.4.2014) by [The Planning \(Listed Buildings and Conservation Areas\) \(Heritage Partnership Agreements\) Regulations 2014 \(S.I. 2014/550\)](#), regs. 1(1), 7

91 Interpretation.

(1) In this Act, except in so far as the context otherwise requires—

[^{F1} “address”, in relation to electronic communications, means any number or address used for the purpose of such communications;]

“building preservation notice” has the meaning given in section 3(1);

“the Commission” means the Historic Buildings and Monuments Commission for England;

“conservation area” means an area for the time being designated under section 69;

“conservation area consent” has the meaning given in section 74(1);

[^{F2} “electronic communication” has the same meaning as in the Electronic Communications Act 2000;]

“listed building” has the meaning given in section 1(5);

“listed building consent” has the meaning given in section 8(7);

“listed building enforcement notice” has the meaning given in section 38(1);

“listed building purchase notice” has the meaning given in section 32(1);

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“local planning authority” shall be construed in accordance with section 81;
 “prescribed”, except in relation to matters expressly required or authorised by this Act to be prescribed in some other way, means prescribed by regulations under this Act;
 “the principal Act” means the ^{M1}Town and Country Planning Act 1990;
 “town scheme agreement” has the meaning given in section 79.

(2) Subject to subsections (6) and (7) and except in so far as the context otherwise requires, the following expressions have the same meaning as in the principal Act—

“the 1962 Act”
 “acquiring authority”
 “the Broads”
 “building”
 “compulsory acquisition”
 “development”
 “development order”
^{F3} . . .
 “disposal”
 “enactment”
 “functions”
 “government department”
 “joint planning board”
 “land”
 “lease”
 “local authority”
 “London borough”
 “minerals”
 “Minister”
^{F4} . . .
 “owner”
 “the planning Acts”
 “planning permission”
 “public gas supplier”
 “use”
 “Valuation Office”,

but this subsection does not affect the meaning of “owner” in section 11 [^{F5}, 26L or 26M].

(3) In this Act “statutory undertakers” has the same meaning as in the principal Act except that—

- (a) in sections 33 to 36 it shall be deemed to include references to a [^{F6}an electronic communications code operator and to a former PTO];
- (b) in sections 33 to 36, 51(2)(a) and 90(2) it shall be deemed to include the [^{F7}a universal service provider in connection with the provision of a universal postal service], the Civil Aviation Authority, [^{F8}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),] a public gas supplier, a holder of a licence under section 6 of the ^{M2}Electricity Act 1989,

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[^{F9}the Environment Agency, the Natural Resources Body for Wales and every water or sewerage undertaker.]

[^{F10}(3A) The undertaking of a universal service provider so far as relating to the provision of a universal postal service shall be taken to be his statutory undertaking for the purposes of this Act; and references in this Act to his undertaking shall be construed accordingly.

(3B) In subsections (3) and (3A) “universal service provider” has the same meaning as in [^{F11}Part 3 of the Postal Services Act 2011]; and the references to the provision of a universal postal service shall be construed in accordance with [^{F12}that Part].]

(4) References in the planning Acts to any of the provisions mentioned in section 82 include, except where the context otherwise requires, references to those provisions as modified under that section.

(5) Words in this Act importing a reference to service of a notice to treat shall be construed as including a reference to the constructive service of such a notice which, by virtue of any enactment, is to be deemed to be served.

[^{F13}(5A) Where—

- (a) an electronic communication is used for the purpose of serving or giving a notice or other document on or to any person for the purposes of this Act, and
- (b) the communication is received by that person outside that person’s business hours,

it shall be taken to have been received on the next working day; and in this subsection “working day” means a day which is not a Saturday, Sunday, Bank Holiday or other public holiday.]

(6) In sections 33 to 36, 53(1) 54, 55 and 88(3) “local authority”, in relation to a building or land in the Broads, includes the Broads Authority.

(7) For the purposes of subsection (1)(b) of section 57 and subsection (2) of that section as it applies for the purposes of that subsection the definition of “building” in the principal Act shall apply with the omission of the words “but does not include any plant or machinery comprised in a building”.

Textual Amendments

- F1** S. 91(1): definition of "address" inserted for E. (31.3.2003) by [The Town and Country Planning \(Electronic Communications\) \(England\) Order 2003 \(S.I. 2003/956\)](#), arts. 1(1), 9(2); and that same definition inserted for W. (1.1.2005) by [The Town and Country Planning \(Electronic Communications\) \(Wales\) \(No. 1\) Order 2004 \(S.I. 2004/3156\)](#), **art. 9(2)** (with art. 14)
- F2** S. 91(1): definition of "electronic communication" inserted for E. (31.3.2003) by [The Town and Country Planning \(Electronic Communications\) \(England\) Order 2003 \(S.I. 2003/956\)](#), arts. 1(1), 9(2); and that same definition inserted for W. (1.1.2005) by [The Town and Country Planning \(Electronic Communications\) \(Wales\) \(No. 1\) Order 2004 \(S.I. 2004/3156\)](#), **art. 9(2)** (with art. 14)
- F3** Words in s. 91(2) repealed (28.9.2004) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 120, 121(1), **Sch. 9** (with s. 111); S.I. 2004/2202, art. 3(d)(f), **Sch. 1 Pt. 2**; (and see also Sch. 6 para. 25 of the repealing Act; S.I. 2005/2847, **art. 2(e)**)
- F4** Words in s. 91(2) repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), **ss. 31(4), 84(6)**, Schs. 6 Pt. II para. 48, 19 Pt. I; S.I. 1991/2067, **art. 3**
- F5** Words in s. 91(2) inserted (21.3.2016 for specified purposes) by [Historic Environment \(Wales\) Act 2016 \(anaw 4\)](#), **ss. 28(2), 41(1)(c)(3)**

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- F6** Words in s. 91(3)(a) substituted (25.7.2003 for specified purposes and 29.12.2003 for further specified purposes) by **Communications Act 2003 (c. 21)**, ss. 406(1), 411(2), **Sch. 17 para. 106(3)** (with Sch. 18); S.I. 2003/1900, **art. 2(1)**, Sch. 1 (with arts. 3-6); S.I. 2003/3142, **art. 3(2)** (with art. 11)
- F7** Words in s. 91(3)(b) substituted (26.3.2001) by S.I. 2001/1149, **art. 3(1)**, **Sch. 1 para. 84(3)**
- F8** Words in s. 91(3) inserted (1.4.2001) by 2000 c. 38, s. 37, **Sch. 5 para. 8** (with s. 106); S.I. 2001/869, **art. 2**
- F9** Words in s. 91(3)(b) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), **art. 1(2)**, **Sch. 2 para. 205** (with Sch. 7)
- F10** S. 91(3A)(3B) inserted (26.3.2001) by S.I. 2001/1149, **art. 3(1)**, **Sch. 1 para. 84(3)**
- F11** Words in s. 91(3B) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), ss. 91(1), 93(3), **Sch. 12 para. 133(a)**; S.I. 2011/2329, **art. 3(1)**
- F12** Words in s. 91(3B) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), ss. 91(1), 93(3), **Sch. 12 para. 133(b)**; S.I. 2011/2329, **art. 3(1)**
- F13** S. 91(5A) inserted for E. (31.3.2003) by The Town and Country Planning (Electronic Communications) (England) Order 2003 (S.I. 2003/956), arts. 1(1), 9(3); and that same subsection inserted for W. (1.1.2005) by The Town and Country Planning (Electronic Communications) (Wales) (No. 1) Order 2004 (S.I. 2004/3156), **art. 9(3)** (with art. 14)

Modifications etc. (not altering text)

- C2** S. 91 extended (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 2(2)(j)**; S.I. 1996/218, **art. 2**
- C3** S. 91 applied (with modifications) (7.6.2004) by The Milton Keynes (Urban Area and Planning Functions) Order 2004 (S.I. 2004/932), **art. 5**, **Sch. para. 14**
- C4** S. 91(2): power to apply (with modifications) conferred by Local Government, Planning and Land Act 1980 (c. 65, SIF 123:1), s. 149(3)(b), **Sch. 29 Pt. II para. 14** as inserted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 44(13)**
 S. 91(2) applied (with modifications) by S.I. 1993/1075, **art. 4**.
- C5** S. 91(2) applied (with modifications) (12.10.2005) by The Thurrock Development Corporation (Planning Functions) Order 2005 (S.I. 2005/2572), **art. 5**
- C6** S. 91(2) applied (with modifications) (31.10.2005) by The London Thames Gateway Development Corporation (Planning Functions) Order 2005 (S.I. 2005/2721), **art. 6**
- C7** S. 91(2) applied (with modifications) (7.9.2006) by The Olympic Delivery Authority (Planning Functions) Order 2006 (S.I. 2006/2185), **art. 6**

Marginal Citations

- M1** 1990 c. 8.
M2 1989 c. 29.

92 Application of Act to Isles of Scilly.

- (1) The Secretary of State shall, after consultation with the Council of the Isles of Scilly, by order provide for the application to those Isles of the provisions of this Act specified in subsection (2) as if those Isles were a separate county.
- (2) The provisions referred to in subsection (1) are—
- sections 1(1) to (5), 2(1) to (3) [^{F14}41(8)], 51, 52, 64, 65, 66(2), 82(1) and (4) (b), ^{F15} . . . 86 (except subsection (2)(a)), 87, 88 (except subsection (3)), 90(1) to (4) and any other provisions of the planning Acts in so far as they apply, or have effect for the purposes of, any of those provisions; and
 - sections 1(6), 3, 4, 5, 7 to 29, 32 to 50 (except 39(6) [^{F16}and 42(6)]), 60(1) to (4), 61, 66(1), 67(2)(b),(6) and (7), 73(1) (so far as it applies to section 67(2) (b), (6) and (7)), 75(1), (5) and (6), 82(2), (3) and (4)(a) and Schedules 1, 2 [^{F17}, 2A] and 3.

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- (3) The Secretary of State, may, after consultation with the Council of the Isles of Scilly, by order provide for the application to those Isles of sections 2(4) and (5), 53 to 55, 59, 67(1) to (6), 69 to 72, 73(1), 74 to 76 and 88(3) and paragraph 4 of Schedule 4 as if those Isles were a separate county or district.
- (4) Any order under this section may provide for the application of provisions to the Isles subject to such modifications as may be specified in the order.

Textual Amendments

- F14** “41(8)” inserted (*temp.*) by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 6, Sch. 4 paras. 1, 10 (which temp. insertion ceases to have effect (2.1.1992 for specified purposes and 6.4.2009 for further specified purposes) by virtue of S.I. 1991/2698, art. 3 (with art. 4); S.I. 2009/849, art. 2 (with art. 3))
- F15** Words in s. 92(2)(a) repealed (7.6.2006) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 120, 121(1), Sch. 9 (with s. 111); S.I. 2006/1281, art. 2(f)(iv)
- F16** Words in s. 92(2)(b) repealed (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 25, 84(6), 84(2), Schs. 3 Pt. II para. 27, 19 Pt. I; S.I. 1991/2905, art. 3, Sch. 2
- F17** Word in s. 92(2)(b) inserted (6.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 17 para. 17; S.I. 2014/416, art. 3(e)

Modifications etc. (not altering text)

- C8** S. 92(1) applied by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 5, Sch. 3 para. 11(4)

93 Regulations and orders.

- (1) The Secretary of State may make regulations under this Act [^{F18}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 [^{F19}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 [^{F20}, other than regulations under section 2A, 26M or 56A,] shall be subject to annulment in pursuance of a resolution of either House of Parliament [^{F21}(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)].
- [^{F22}(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), [^{F23}26C,][^{F24}55(5B),] 60, 75(7) [^{F25}, 88E] and 92 shall be exercisable by statutory instrument.
 - (5) Any statutory instrument which contains an order under section [^{F26}55(5B),] 60 or 75(7) shall be subject to annulment in pursuance of a resolution of either House of

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Parliament [^{F27}(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)].

- (6) Any order under section 60 or 75(7) may contain such supplementary and incidental provisions as may appear to the Secretary of State [^{F28}or (as the case may be) the Welsh Ministers] appropriate.

[^{F29}(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 ^{M3}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

- F18** Words in s. 93(1) inserted (21.3.2016) by [Historic Environment \(Wales\) Act 2016 \(anaw 4\), ss. 40\(3\), 41\(1\)\(f\)](#)
- F19** 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](#)
- F20** Words in s. 93(3) inserted (21.3.2016) by [Historic Environment \(Wales\) Act 2016 \(anaw 4\), ss. 40\(4\)\(a\), 41\(1\)\(f\)](#)
- F21** Words in s. 93(3) inserted (21.3.2016) by [Historic Environment \(Wales\) Act 2016 \(anaw 4\), ss. 40\(4\)\(b\), 41\(1\)\(f\)](#)
- F22** S. 93(3A) inserted (21.3.2016) by [Historic Environment \(Wales\) Act 2016 \(anaw 4\), ss. 40\(5\), 41\(1\)\(f\)](#)
- F23** 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\(e\)](#)
- F24** Word in s. 93(4) inserted (21.3.2016) by [Historic Environment \(Wales\) Act 2016 \(anaw 4\), ss. 40\(6\), 41\(1\)\(f\)](#)
- F25** 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](#)
- F26** Word in s. 93(5) inserted (21.3.2016) by [Historic Environment \(Wales\) Act 2016 \(anaw 4\), ss. 40\(7\)\(a\), 41\(1\)\(f\)](#)
- F27** Words in s. 93(5) inserted (21.3.2016) by [Historic Environment \(Wales\) Act 2016 \(anaw 4\), ss. 40\(7\)\(b\), 41\(1\)\(f\)](#)
- F28** Words in s. 93(6) inserted (21.3.2016) by [Historic Environment \(Wales\) Act 2016 \(anaw 4\), ss. 40\(8\), 41\(1\)\(f\)](#)
- F29** 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

- M3** 1978 c. 30.

94 Short title, commencement and extent.

- (1) This Act may be cited as the Planning (Listed Buildings and Conservation Areas) Act 1990.

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- (2) Except as provided in Schedule 4 to the ^{M4}Planning (Consequential Provisions) Act 1990, this Act shall come into force at the end of the period of three months beginning with the day on which it is passed.
- (3) This Act extends to England and Wales only.

Marginal Citations

M4 1990 c. 11.

Status:

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