Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.
Changes to legislation: Planning (Listed Buildings and Conservation Areas) Act 1990, Section 63 is up to date with all
changes known to be in force on or before 18 May 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)

Planning (Listed Buildings and Conservation Areas) Act 1990

1990 CHAPTER 9

PART I

LISTED BUILDINGS

CHAPTER VI

MISCELLANEOUS AND SUPPLEMENTAL

Validity of instruments, decisions and proceedings

63   Proceedings for questioning validity of other orders, decisions and directions.

(1) If any person is aggrieved by any such order or decision as is mentioned in section 62(1) and wishes to question its validity on the grounds—

    (a)   that it is not within the powers of this Act, or

    (b)   that any of the relevant requirements have not been complied with in relation to it,

he may make an application to the High Court under this section.

(2) Without prejudice to subsection (1), if the authority directly concerned with any such order or decision wish to question its validity on any of those grounds, the authority may make an application to the High Court under this section.

(3) An application under this section must be made within six weeks from the date on which the order is confirmed (or, in the case of an order under section 23 which takes effect under section 25 without confirmation, the date on which it takes effect) or, as the case may be, the date on which the action is taken.

(4) On any application under this section the High Court—

2

Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)
Part I – Listed Buildings
Chapter VI – Miscellaneous and Supplemental
Document Generated: 2024-05-18

(a)   may by interim order suspend the operation of the order or decision, the validity of which is questioned by the application, until the final determination of the proceedings; and

(b)   if satisfied—

(i) that the order or decision is not within the powers of this Act, or

(ii) that the interests of the applicant have been substantially prejudiced by a failure to comply with any of the relevant requirements in relation to it,

may quash that order or decision.

(5) References in this section to the confirmation of an order include the confirmation of an order subject to modifications.

(6) In this section "the relevant requirements", in relation to any order or decision, means any requirements of this Act or of the **M1**Tribunals and Inquiries Act 1971 or of any order, regulations or rules made under either of those Acts which are applicable to that order or decision.

(7) For the purposes of subsection (2) the authority directly concerned with an order or decision is—

(a)   in relation to any such decision as is mentioned in section 62(2)(b)—

(i) the council on whom the listed building purchase notice was served, and

(ii) in a case where the Secretary of State has modified the notice wholly or in part by substituting another local authority or statutory undertakers for that council, also that authority or those statutory undertakers; and

(b)   otherwise, the authority who—

(i) made the order or decision to which the proceedings in question relate, or

(ii) referred the matter to the Secretary of State, or

(iii) if the order was made by him, are the authority named in it.

Modifications etc. (not altering text)

C1   Ss. 62–65 modified by S.I. 1990/1519, **reg. 13(1)**; applied (with modifications) by S.I. 1990/1519, reg. 12, **Sch. 3**

Marginal Citations

M1   1971 c.62.

Status:
Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation:
Planning (Listed Buildings and Conservation Areas) Act 1990, Section 63 is up to date with all changes known to be in force on or before 18 May 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.