
WELSH STATUTORY INSTRUMENTS

2004 No. 3156

The Town and Country Planning (Electronic Communications) (Wales) (No. 1) Order 2004

Use of electronic communications for service of notices under the Listed Buildings Act

8.—(1) Section 89 of the Listed Buildings Act⁽¹⁾ (application of certain general provisions of principal Act) is amended as follows.

(2) In subsection (1), for “Subject to subsection (2),”, substitute “Subject to subsections (1A) and (2),”.

(3) After subsection (1), insert—

“(1A) Subsection (1)(cc) of section 329 of that Act shall not apply to—

- (a) service of a building preservation notice;
- (b) service of a copy of a listed building enforcement notice by a planning authority;
- (c) giving of notice under section 38 of this Act of the exercise of powers conferred by subsection (5) of that section; or
- (d) service of a listed building enforcement notice issued by the Secretary of State.”⁽²⁾

⁽¹⁾ Subsection (1) of section 89 was amended by the Planning and Compensation Act 1991, section 30(2). Subsection (3) was added by section 29(2) of that Act.

⁽²⁾ Building preservation notices are served under section 3, which was amended by the Local Government (Wales) Act 1994 (c. 19), section 20(4)(b) and Part II of Schedule 6. Listed building enforcement notices are issued under section 38, which was amended, and in part repealed, by the Planning and Compensation Act 1991, sections 25 and 84(6), Schedule 3 and Part I of Schedule 19. Section 46 was amended by the Planning and Compensation Act 1991, section 25 and Part II of Schedule 3 and by the Local Government (Wales) Act 1994, section 20(4)(b) and Part II of Schedule 6.