



# Planning (Listed Buildings and Conservation Areas) Act 1990

## 1990 CHAPTER 9

### PART III

#### GENERAL

##### *Miscellaneous provisions*

#### **88 Rights of entry.**

- (1) Any person duly authorised in writing by the Secretary of State may at any reasonable time enter any land for the purpose of surveying any building on it [<sup>F1</sup>or any other land] in connection with a proposal to include the building in, or exclude it from, a list compiled or approved under section 1.
- (2) Any person duly authorised in writing by the Secretary of State, a local planning authority or, where the authorisation relates to a building situated in Greater London, the Commission may at any reasonable time enter any land for any of the following purposes—
  - (a) surveying it [<sup>F2</sup>or any other land] in connection with any proposal by the authority or the Secretary of State to make, issue or serve any order or notice under any of the provisions of sections 1 to 26, 38, 40, 46, 54, 55, 60, 68, 75 or 76 or under any order or regulations made under any of them, or any notice under section 48;
  - (b) ascertaining whether any such order or notice has been complied with [<sup>F3</sup>in relation to the land or any other land];
  - (c) ascertaining whether an offence has been, or is being, committed with respect to any building on the land [<sup>F4</sup>or any other land], under section 9, 11 [<sup>F5</sup>, 26J] or 43;
  - (d) ascertaining whether any [<sup>F6</sup>building on the land or any other land] is being maintained in a proper state of repair.

**Changes to legislation:** Planning (Listed Buildings and Conservation Areas) Act 1990, Cross Heading: Miscellaneous provisions is up to date with all changes known to be in force on or before 19 April 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) View outstanding changes

- (3) Any person duly authorised in writing by the Secretary of State, a local authority or, where the authorisation relates to a building situated in Greater London, the Commission may at any reasonable time enter any land for any of the following purposes—
- (a) ascertaining whether an offence has been or is being committed under section 59 [<sup>F7</sup>in relation to the land or any other land];
  - (b) ascertaining whether any of the functions conferred by section 54 should or may be exercised in connection with the land [<sup>F8</sup>or any other land]; or
  - (c) exercising any of those functions in connection with the land [<sup>F8</sup>or any other land].
- [<sup>F9</sup>(3A) Any person duly authorised in writing by a local planning authority in Wales may at any reasonable time enter any land for any of the following purposes—
- (a) securing the display of a temporary stop notice (see section 44B);
  - (b) ascertaining whether a temporary stop notice is being complied with;
  - (c) considering any claim for compensation under section 44D.]
- (4) Any person who is an officer of the Valuation Office or is duly authorised in writing by a local planning authority may at any reasonable time enter any land for the purpose of surveying it, or estimating its value, in connection with a claim for compensation payable by the authority under section <sup>F10</sup> . . . 28 [<sup>F11</sup>, 28B][<sup>F12</sup>, 29 or 44D] in respect of any land.
- <sup>F13</sup>(5) . . . . .
- (6) Subject to [<sup>F14</sup>section 88B(8)], any power conferred by this section to survey land shall be construed as including power to search and bore for the purpose of ascertaining the nature of the subsoil <sup>F15</sup> . . . .
- <sup>F16</sup>(7) . . . . .

#### Textual Amendments

- F1** Words in s. 88(1) inserted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 25, **Sch. 3 Pt. I para. 9(1)(a)**; S.I. 1991/2905, **art.3**
- F2** Words in s. 88(2)(a) inserted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 25, **Sch. 3 Pt. I para. 9(1)(b)**; S.I. 1991/2905, **art.3**
- F3** Words in s. 88(2)(b) inserted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 25, **Sch. 3 Pt. I para. 9(1)(c)**; S.I. 1991/2905, **art.3**
- F4** Words in s. 88(2)(c) inserted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 25, **Sch. 3 Pt. I para. 9(1)(d)**; S.I. 1991/2905, **art.3**
- F5** Word in s. 88(2)(c) inserted (6.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 17 para. 16**; S.I. 2014/416, art. 3(e)
- F6** Words in s. 88(2)(d) substituted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 25, **Sch. 3 Pt. I para. 9(1)(e)**; S.I. 1991/2905, **art.3**
- F7** Words in s. 88(3)(a) inserted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 25, **Sch. 3 Pt. I para. 9(1)(f)**; S.I. 1991/2905, **art.3**
- F8** Words in s. 88(3)(b) and (c) inserted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 25, **Sch. 3 Pt. I para. 9(1)(g)**; S.I. 1991/2905, **art.3**
- F9** S. 88(3A) inserted (21.5.2016) by Historic Environment (Wales) Act 2016 (anaw 4), **ss. 29(4)**, 41(2)
- F10** S. 88(4): "27" repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **ss. 31(4)**, 84(6) and 84(4), Schs. 6 para. 46, 19 Pt. II; S.I. 1991/2067, **art. 3**

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- F11** Word in s. 88(4) inserted (31.5.2017) by Historic Environment (Wales) Act 2016 (anaw 4), **ss. 26(13), 41(3)**; S.I. 2017/633, art. 4(c) (with art. 6(2)(3))
- F12** Words in s. 88(4) substituted (21.5.2016) by Historic Environment (Wales) Act 2016 (anaw 4), **ss. 29(5), 41(2)**
- F13** S. 88(5) omitted (13.7.2016) by virtue of Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 14 para. 20**; S.I. 2016/733, reg. 3(h) (with reg. 6)
- F14** Words in s. 88(6) substituted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 25, **Sch. 3 Pt. II para.25**; S.I. 1991/2905, **art.3**
- F15** Words in s. 88(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. 25, 19 Pt.I; S.I. 1991/2905, **art.3 Sch. 2**
- F16** For s. 88(7) there is substituted (2.1.1992) ss. 88A and 88B by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 25, **Sch. 3 Pt. I para. 9(2)**; S.I. 1991/2905, **art.3**

#### 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. 88 extended (19.9.1995) by 1995 c. 25, ss. 70, 125(2), **Sch. 9 para. 13(5)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)
- C2** S. 88 applied in part (Isles of Scilly) (with modifications) (2.10.2013) by The Town and Country Planning (Isles of Scilly) Order 2013 (S.I. 2013/2148), arts. 1(1), 3, **Sch. 1** (with art. 1(2))
- C3** S. 88 applied (1.1.2022) by The Listed Buildings (Heritage Partnership Agreements) (Wales) Regulations 2021 (S.I. 2021/1177), reg. 1, **Sch.**
- C4** S. 88(5) amended (19.9.1995) by 1995 c. 25, ss. 70, 125(2), **Sch. 9 para. 13(1)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)

#### [<sup>F17</sup>88A Warrants to enter land.

- (1) If it is shown to the satisfaction of a justice of the peace on sworn information in writing—
- (a) that there are reasonable grounds for entering any land for any of the purposes mentioned in section 88; and
  - (b) that—
    - (i) admission to the land has been refused, or a refusal is reasonably apprehended; or
    - (ii) the case is one of urgency,
 the justice may issue a warrant authorising any person duly authorised in writing by the appropriate authority to enter the land.
- (2) In subsection (1) “ the appropriate authority ” means the person who may authorise entry on the land under section 88 for the purpose in question.
- (3) For the purposes of subsection (1)(b)(i) admission to land shall be regarded as having been refused if no reply is received to a request for admission within a reasonable period.
- (4) A warrant authorises entry on one occasion only and that entry must be—
- (a) within one month from the date of the issue of the warrant; and
  - (b) at a reasonable hour, unless the case is one of urgency.]

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### Textual Amendments

**F17** Ss. 88A and 88B substituted (2.1.1992) for s. 88(7) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 25, [Sch. 3 Pt. I para. 9\(2\)](#); S.I. 1991/2905, [art.3](#)

### **<sup>F18</sup>88B Rights of entry: supplementary provisions.**

(1) A person authorised under section 88 to enter any land shall not demand admission as of right to any land which is occupied unless twenty-four hours notice of the intended entry has been given to the occupier.

[<sup>F19</sup>(1A) Subsection (1) does not apply to a person authorised under section 88(3A) who intends to enter the land for either of the purposes mentioned in paragraphs (a) and (b) of that subsection.]

(2) A person authorised to enter land in pursuance of a right of entry conferred under or by virtue of section 88 or 88A (referred to in this section as “a right of entry”)—

- (a) shall, if so required, produce evidence of his authority and state the purpose of his entry before so entering;
- (b) may take with him such other persons as may be necessary; and
- (c) on leaving the land shall, if the owner or occupier is not then present, leave it as effectively secured against trespassers as he found it.

(3) Any person who wilfully obstructs a person acting in the exercise of a right of entry shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(4) If any person who enters any land, in exercise of a right of entry, discloses to any person any information obtained by him while on the land as to any manufacturing process or trade secret, he shall be guilty of an offence.

(5) Subsection (4) does not apply if the disclosure is made by a person in the course of performing his duty in connection with the purpose for which he was authorised to enter the land.

(6) A person who is guilty of an offence under subsection (4) shall be liable—

- (a) on summary conviction to a fine not exceeding the statutory maximum, or
- (b) on conviction on indictment to imprisonment for a term not exceeding two years or a fine or both.

(7) If any damage is caused to land or chattels in the exercise of—

- (a) a right of entry; or
  - (b) a power conferred by virtue of section 88(6) in connection with such a right,
- compensation may be recovered by any person suffering the damage from the authority who gave the written authority for the entry or, as the case may be, the Secretary of State; and section 118 of the principal Act shall apply in relation to compensation under this subsection as it applies in relation to compensation under Part IV of that Act.

(8) No person shall carry out any works in exercise of a power conferred under section 88 unless notice of his intention to do so was included in the notice required by subsection (1).

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- (9) The authority of the appropriate Minister shall be required for the carrying out of works in exercise of a power conferred under section 88 if—
- (a) the land in question is held by statutory undertakers; and
  - (b) they object to the proposed works on the ground that the execution of the works would be seriously detrimental to the carrying on of their undertaking.
- (10) Section 265(1) and (3) of the principal Act (meaning of “appropriate Minister”) applies for the purposes of subsection (9) as it applies for the purposes of section 325(9) of the principal Act.

#### Textual Amendments

- F18** Ss. 88A and 88B substituted (2.1.1992) for s. 88(7) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 25, [Sch. 3 Pt. 1 para. 9\(2\)](#); S.I. 1991/2905, [art.3](#)
- F19** [S. 88B\(1A\)](#) inserted (21.5.2016) by [Historic Environment \(Wales\) Act 2016 \(anaw 4\)](#), [ss. 29\(6\)](#), 41(2)

#### [<sup>F20</sup> 88C Rights of entry: Crown land

- (1) Section 88 applies to Crown land subject to the following modifications.
- (2) A person must not enter Crown land unless he has the relevant permission.
- (3) Relevant permission is the permission of—
  - (a) a person appearing to the person seeking entry to the land to be entitled to give it, or
  - (b) the appropriate authority.
- (4) In subsection (6) the words “Subject to section 88B(8)” must be ignored.
- (5) Section 88B does not apply to anything done by virtue of this section.
- (6) “ Appropriate authority ” must be construed in accordance with section 82C(6). ]

#### Textual Amendments

- F20** S. 88C inserted (7.6.2006) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), [ss. 79\(4\)](#), 121(1), [Sch. 3 para. 14](#) (with s. 111); S.I. 2006/1281, [art. 2\(c\)](#)

#### [<sup>F21</sup> 88D [<sup>F22</sup> Determination of procedure for certain proceedings: England]

- (1) The Secretary of State must make a determination as to the procedure by which proceedings to which this section applies are to be considered.
- (2) A determination under subsection (1) must provide for the proceedings to be considered in [<sup>F23</sup> such one or more of the following ways as appear] to the Secretary of State to be [<sup>F24</sup> ... appropriate—
  - (a) at a local inquiry;
  - (b) at a hearing;
  - (c) on the basis of representations in writing.
- (3) The Secretary of State must make a determination under subsection (1) in respect of proceedings to which this section applies before the end of the prescribed period.

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- (4) A determination under subsection (1) may be varied by a subsequent determination under that subsection at any time before the proceedings are determined.
- (5) The Secretary of State must notify the appellant or applicant (as the case may be) and the local planning authority of any determination made under subsection (1).
- (6) The Secretary of State must publish the criteria that are to be applied in making determinations under subsection (1).
- (7) This section applies to—
- an application referred to the Secretary of State under section 12 instead of being dealt with by a local planning authority in England;
  - an appeal under section 20 against a decision of a local planning authority in England; and
  - an appeal under section 39 against a listed building enforcement notice issued by a local planning authority in England.
- (8) The Secretary of State may by order amend subsection (7) to—
- add proceedings under this Act to, or remove proceedings under this Act from, the list of proceedings to which this section applies, or
  - otherwise modify the descriptions of proceedings under this Act to which this section applies.
- (9) An order under subsection (8) may—
- <sup>F25</sup>(a) .....
  - amend, repeal or revoke any provision made by or under this Act or by or under any other Act.]

#### Textual Amendments

- F21** S. 88D inserted (6.4.2009 for specified purposes, otherwise prosp.) by [Planning Act 2008 \(c. 29\)](#), ss. 196(2), 241(8) (with s. 226); S.I. 2009/400, [art. 3\(j\)](#)
- F22** S. 88D heading substituted (11.11.2014) by [The Town and Country Planning \(Determination of Procedure\) \(Wales\) Order 2014 \(S.I. 2014/2773\)](#), arts. 1(2), [2\(2\)](#)
- F23** Words in s. 88D(2) substituted (22.7.2020) by [Business and Planning Act 2020 \(c. 16\)](#), ss. [20\(2\)\(a\)](#), 25(3)(c)
- F24** Word in s. 88D(2) omitted (22.7.2020) by virtue of [Business and Planning Act 2020 \(c. 16\)](#), ss. [20\(2\)\(b\)](#), 25(3)(c)
- F25** S. 88D(9)(a) omitted (26.12.2023) by virtue of [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), ss. [130\(5\)\(a\)](#), 255(3)(a) (with s. 247)

#### Modifications etc. (not altering text)

- C5** S. 88D applied (with modifications) by S.I. 2013/2140, Sch. 3 para. 6 (as inserted (E.) (1.10.2014)) by [The Town and Country Planning \(Development Management Procedure and Section 62A Applications\) \(England\) \(Amendment\) Order 2014 \(S.I. 2014/1532\)](#), arts. 1(1), [8](#)

#### [<sup>F26</sup>88E. Determination of procedure for certain proceedings: Wales

- (1) The Welsh Ministers must make a determination as to the procedure by which proceedings to which this section applies are to be considered.

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- (2) A determination under subsection (1) must provide for the proceedings to be considered in such one or more of the following ways as appear to the Welsh Ministers to be appropriate—
  - (a) at a local inquiry;
  - (b) at a hearing;
  - (c) on the basis of representations in writing.
- (3) The Welsh Ministers must make a determination under subsection (1) in respect of proceedings to which this section applies before the end of the prescribed period.
- (4) A determination under subsection (1) may be varied by a subsequent determination under that subsection at any time before the proceedings are determined.
- (5) The Welsh Ministers must notify the appellant or applicant (as the case may be) and the local planning authority of any determination made under subsection (1).
- (6) The Welsh Ministers must publish the criteria which are to be applied in making determinations under subsection (1).
- (7) This section applies to—
  - (a) an application referred to the Welsh Ministers under section 12;
  - (b) an appeal to the Welsh Ministers under section 20;
  - (c) an appeal to the Welsh Ministers under section 39.
- (8) The Welsh Ministers may by order amend subsection (7) to—
  - (a) add proceedings under this Act to, or remove proceedings under this Act from, the list of proceedings to which this section applies; or
  - (b) otherwise modify the descriptions of proceedings under this Act to which this section applies.
- (9) An order under subsection (8) may—
  - <sup>F27</sup>(a) .....
  - (b) amend, repeal or revoke any provision made by or under this Act or by or under any other Act.
- (10) No order may be made under subsection (8) unless a draft of the instrument containing the order has been laid before and approved by resolution of the National Assembly for Wales.]

**Textual Amendments**

**F26** S. 88E inserted (11.11.2014) by [The Town and Country Planning \(Determination of Procedure\) \(Wales\) Order 2014 \(S.I. 2014/2773\)](#), arts. 1(2), **2(2)**

**F27** S. 88E(9)(a) omitted (26.12.2023) by virtue of [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), ss. **130(5)(b)**, 255(3)(a) (with s. 247)

**89 Application of certain general provisions of principal Act.**

- (1) [<sup>F28</sup>Subject to subsections (1A) and (2),] the following provisions of the principal Act shall apply for the purposes of this Act as they apply for the purposes of that Act, namely—



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[<sup>F29</sup>sections 319ZA to 319ZD (Wales: discharge of functions of local planning authority relating to applications),]  
 section 320 (local inquiries),  
 [<sup>F30</sup>section 322 (orders as to costs of parties where no inquiry held [<sup>F31</sup>: England])],  
 section [<sup>F32</sup>322A (orders as to costs: supplementary)],  
 [<sup>F33</sup>section 322C (costs: Wales),]  
 323 (procedure on certain appeals and applications [<sup>F34</sup>: England]),  
 [<sup>F35</sup>section 323A (procedure for certain proceedings: Wales)]  
 [<sup>F36</sup>section 327A (compliance with requirements relating to applications),]  
 section 329 (service of notices),  
 [<sup>F37</sup>section 329A(1) and (2) (service of notices on the Crown)]  
 section 330 (power to require information as to interests in land),  
 [<sup>F38</sup>section 330A(1) to (4) (information as to interests in Crown land)]  
 section 331 (offences by corporations).

[<sup>F39</sup>(1ZB) <sup>F40</sup>.....]

[<sup>F41</sup>(1A) [<sup>F42</sup>In the case of a building situated in England,] 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) Section 331 of that Act shall not apply to offences under section 59 of this Act.

[<sup>F43</sup>(3) In the application of section 330 by virtue of this section, references to a local authority include the Commission.]

#### Textual Amendments

- F28** Words in s. 89(1) substituted for E. (31.3.2003) by [The Town and Country Planning \(Electronic Communications\) \(England\) Order 2003 \(S.I. 2003/956\)](#), arts. 1(1), 8(2); and those same words substituted for W. (1.1.2005) by [The Town and Country Planning \(Electronic Communications\) \(Wales\) \(No. 1\) Order 2004 \(S.I. 2004/3156\)](#), **art. 8(2)** (with art. 14)
- F29** Words in s. 89(1) inserted (6.9.2015 for specified purposes, 5.5.2017 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), **ss. 39(3)**, 58(2)(b)(4)(b); S.I. 2017/546, art. 3(a)
- F30** Words from “section 322” to “held” omitted (*temp.*) by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 6, Sch. 4 paras. 1, 11 (which temp. omission 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))
- F31** Words in s. 89(1) inserted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), **Sch. 5 para. 21(2)(a)**; S.I. 2016/52, art. 4(f) (with art. 17)
- F32** Words in s. 89(1) inserted (2.1.1992 subject to saving in S.I. 1991/2728, **art. 4**) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), **s. 30(2)**; S.I. 1991/2728, **arts. 3, 4**



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- F33** Entry in s. 89(1) inserted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 5 para. 21(2)(b)**; S.I. 2016/52, art. 4(f) (with art. 17)
- F34** Words in s. 89(1) inserted (6.9.2015 for specified purposes, 5.5.2017 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 5 para. 21(2)(c)**; S.I. 2017/546, art. 3(e)
- F35** Words in s. 89(1) inserted (6.9.2015 for specified purposes, 5.5.2017 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 5 para. 21(2)(d)**; S.I. 2017/546, art. 3(e)
- F36** S. 89(1): entry inserted (6.8.2004 for specified purposes, 10.8.2006 for remaining purposes for E., and 30.6.2007 for remaining purposes for W.) by Planning and Compulsory Purchase Act 2004 (c. 5), **ss. 42(9), 121(1)** (with s. 111); S.I. 2004/2097, **art. 2**; S.I. 2006/1061, art. 3(a); S.I. 2007/1369, **art. 2(a)**
- F37** S. 89(1): entry inserted (7.6.2006) by Planning and Compulsory Purchase Act 2004 (c. 5), **ss. 79(4), 121(1), Sch. 3 para. 19(2)** (with s. 111); S.I. 2006/1281, **art. 2(c)**
- F38** S. 89(1): entry inserted (7.6.2006) by Planning and Compulsory Purchase Act 2004 (c. 5), **ss. 79(4), 121(1), Sch. 3 para. 19(3)** (with s. 111); S.I. 2006/1281, **art. 2(c)**
- F39** S. 89(1ZB) 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. 21**
- F40** S. 89(1ZB) omitted (6.9.2015 for specified purposes, 5.5.2017 in so far as not already in force) by virtue of Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 5 para. 21(3)**; S.I. 2017/546, art. 3(e)
- F41** S. 89(1A) inserted for E. (31.3.2003) by The Town and Country Planning (Electronic Communications) (England) Order 2003 (S.I. 2003/956), **art. 8(3)**; and that same sub-section inserted for W. (1.1.2005) by The Town and Country Planning (Electronic Communications) (Wales) (No. 1) Order 2004 (S.I. 2004/3156), **art. 8(3)** (with art. 14)
- F42** Words in s. 89(1A) inserted (21.5.2016) by Historic Environment (Wales) Act 2016 (anaw 4), **ss. 32, 41(2)**
- F43** S. 89(3) inserted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 29(2)**; S.I. 1991/2067, **art. 3**

## 90 Financial provisions.

- (1) Where—
- compensation is payable by a local authority under this Act in consequence of any decision or order given or made under Chapters I, II or IV of Part I or sections 32 to 37, 60 or Schedule 3; and
  - the decision or order in consequence of which it is payable was given or made wholly or partly in the interest of a service which is provided by a government department and the cost of which is defrayed out of money provided by Parliament,
- the Minister responsible for the administration of that service may pay that authority a contribution of such amount as he may with the consent of the Treasury determine.
- (2) Any local authority and any statutory undertakers may contribute towards any expenses incurred by a local planning authority in or in connection with the performance of any of their functions under the provisions of Chapters I to V of Part I (other than sections [F4428] to 31, 53, 54, 55, 57, 58) and sections 66 and 68 and Schedule 1.
- (3) Where any expenses are incurred by a local authority in the payment of compensation payable in consequence of anything done under Chapters I, II or IV of Part I or sections 32 to 37, 56, 59, 60, 66(1), 67, 68 or 73, the Secretary of State may, if it appears to him

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**Changes to legislation:** Planning (Listed Buildings and Conservation Areas) Act 1990, Cross Heading: Miscellaneous provisions is up to date with all changes known to be in force on or before 19 April 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) View outstanding changes

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to be expedient to do so, require any other local authority to contribute towards those expenses such sum as appears to him to be reasonable, having regard to any benefit accruing to that authority by reason of the proceeding giving rise to the compensation.

- (4) For the purposes of subsections (2) and (3), contributions made by a local planning authority towards the expenditure of a joint advisory committee shall be deemed to be expenses incurred by that authority for the purposes for which that expenditure is incurred by the committee.
- (5) The council of a county may direct that any expenses incurred by them under the provisions specified in subsection (6) shall be treated as special expenses of a county council chargeable upon such part of the county as may be specified in the directions.
- (6) Those provisions are—
- (a) sections 1(1) to (5), 2(1) to (3) [<sup>F45</sup>41(8)], 51, 52, 64, 65, 66(2), 82(1) and (4)(b), 83, 86 (except subsection (2)(a)), 87, 88 (except subsection (3)) and subsections (1) to (4) of this section 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
  - (b) sections 1(6), 3, 4, 5, 7 to 29, 32 to 50 (except 39(6) <sup>F46</sup> . . .), 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)), 82(2), (3) and (4)(a) and Schedules 1, 2 and 3.
- (7) There shall be paid out of money provided by Parliament—
- (a) any sums necessary to enable the Secretary of State to make any payments becoming payable by him under sections [<sup>F47</sup>28 or] 29;
  - (b) any expenses incurred by any government department (including the Secretary of State) in the acquisition of land under sections 47 to 52 or in the payment of compensation under section 51(4) or 88(7) or under subsection (1);
  - (c) any administrative expenses incurred by the Secretary of State for the purposes of this Act.
- (8) Any sums received by the Secretary of State under this Act shall be paid into the Consolidated Fund.

#### Textual Amendments

- F44** Word in s. 90(2) substituted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), [s. 31\(4\) Sch. 6 para. 47\(1\)](#); S.I. 1991/2067, [art. 3](#)
- F45** “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](#)))
- F46** Words in s. 90(6)(b) repealed (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), [ss. 25, 84\(6\) Schs. 3 Pt. II para. 26, 19 Pt.I; S.I. 1991/2905, art.3, sch. 2](#)
- F47** Words in s. 90(7)(a) substituted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), [s. 31\(4\) Sch. 6 para. 47\(2\)](#); S.I. 1991/2067, [art. 3](#)

#### Modifications etc. (not altering text)

- C6** [S. 90](#) applied (1.1.2022) by [The Listed Buildings \(Heritage Partnership Agreements\) \(Wales\) Regulations 2021 \(S.I. 2021/1177\)](#), [reg. 1, Sch.](#)

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- C7** S. 90(1)-(4) extended (19.9.1995) by 1995 c. 25, ss. 70, 125(2), **Sch. 9 para. 13(6)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**)
- C8** S. 90(1)-(4) applied (Isles of Scilly) (with modifications) (2.10.2013) by **The Town and Country Planning (Isles of Scilly) Order 2013 (S.I. 2013/2148)**, arts. 1(1), 3, **Sch. 1** (with art. 1(2))
- C9** S. 90(2)-(4) applied (with modifications) by S.I. 1990/1519, reg. 12, **Sch. 3**
- C10** S. 90(2)-(4) modified (W.) (30.4.2012) by **The Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012 (No. 793)**, regs. 1, 16, **Sch. 3**

**Changes to legislation:**

Planning (Listed Buildings and Conservation Areas) Act 1990, Cross Heading: Miscellaneous provisions is up to date with all changes known to be in force on or before 19 April 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.

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**Changes and effects yet to be applied to :**

- s. 88D heading word omitted by [2023 asc 3 Sch. 13 para. 150\(a\)](#)

**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(1A)(1B) inserted by [2023 c. 55 s. 105\(2\)](#)
- s. 12(4A) inserted by [2008 c. 29 Sch. 10 para. 16](#)
- s. 16(2A) inserted by [2023 c. 55 s. 102\(3\)](#)
- s. 17(4) inserted by [2023 c. 55 s. 124\(4\)](#)
- s. 22(2A) inserted by [2008 c. 29 Sch. 10 para. 18\(2\)](#)
- s. 40(2A) inserted by [2008 c. 29 Sch. 10 para. 19](#)
- s. 44AA-44AC inserted by [2023 c. 55 s. 103\(2\)](#)
- s. 46(1A) inserted by [2023 c. 55 s. 103\(8\)\(a\)](#)
- s. 46(3A) inserted by [2023 c. 55 s. 103\(8\)\(c\)](#)
- s. 49(1) s. 49 renumbered as s. 49(1) by [2023 asc 3 Sch. 13 para. 127\(b\)](#)
- s. 49(2) inserted by [2023 asc 3 Sch. 13 para. 127\(c\)](#)
- s. 54(8) inserted by [2023 c. 55 s. 104\(2\)\(c\)](#)
- s. 55(2A) inserted by [2023 c. 55 s. 104\(3\)\(a\)](#)
- s. 55(5H)(5I) inserted by [2023 c. 55 s. 104\(3\)\(f\)](#)
- s. 55(5BA) inserted by [2023 c. 55 s. 104\(3\)\(d\)](#)
- s. 56A and cross-heading inserted by [2016 anaw 4 s. 31\(1\)](#)
- s. 66(1A) inserted by [2023 c. 55 s. 102\(4\)\(a\)](#)
- s. 66(2A) inserted by [2023 c. 55 s. 102\(4\)\(b\)](#)
- s. 66(5) inserted by [2023 asc 3 Sch. 13 para. 136](#)
- s. 82A(2)(fza) inserted by [2023 c. 55 s. 103\(9\)](#)
- s. 82A(2)(ha) inserted by [2016 anaw 4 s. 31\(2\)](#)
- s. 88(3ZA) inserted by [2023 c. 55 s. 103\(10\)\(a\)](#)
- s. 88B(1ZA) inserted by [2023 c. 55 s. 103\(11\)](#)
- s. 89(1ZA) inserted by [2008 c. 29 Sch. 10 para. 22](#)
- s. 89(1ZC) inserted by [2023 c. 55 s. 124\(5\)\(b\)](#)
- s. 93(5A) inserted by [2008 c. 29 Sch. 10 para. 23\(3\)](#)
- s. 93(5A) words inserted by [2013 c. 24 Sch. 17 para. 18\(3\)](#)
- Sch. 2 para. 4A inserted by [2023 c. 55 s. 103\(12\)\(b\)](#)
- Sch. 3 para. 2(4A) inserted by [2008 c. 29 Sch. 10 para. 24\(2\)](#)
- Sch. 3 para. 2(9) inserted by [2008 c. 29 Sch. 10 para. 24\(3\)](#)
- Sch. 3 para. 3(4A)(4B) inserted by [2008 c. 29 Sch. 10 para. 24\(4\)](#)
- Sch. 3 para. 6(1A) inserted by [2008 c. 29 Sch. 10 para. 24\(6\)](#)