
Changes to legislation: Planning (Hazardous Substances) Act 1990 is up to date with all changes known to be in force on or before 23 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

SCHEDULE

Section 21.

DETERMINATION OF APPEALS BY PERSON APPOINTED BY SECRETARY OF STATE

Determination of appeals by appointed person

- 1
- (1) The Secretary of State may by regulations prescribe the classes of appeals under section 21 which are to be determined by a person appointed by the Secretary of State for the purpose instead of by the Secretary of State.
 - (2) Appeals of a prescribed class shall be so determined except in such classes of case as may for the time being be prescribed or as may be specified in directions given by the Secretary of State.
 - (3) Regulations made for the purpose of this paragraph may provide for the giving of publicity to any directions given by the Secretary of State under this paragraph.
 - (4) This paragraph shall not affect any provision in this Act or any instrument made under it that an appeal shall lie to, or a notice of appeal shall be served on, the Secretary of State.
 - (5) A person appointed under this paragraph is referred to in this Schedule as “an appointed person”.

Commencement Information

- II** Sch. para. 1 wholly in force at 1.6.1992 see S.I. 1992/725, art. 3; Sch. para. 1 in force for certain purposes at 11.3.1992 see S.I. 1992/725, art. 2

Powers and duties of appointed person

- 2
- (1) An appointed person shall have the same powers and duties as the Secretary of State has under subsection (4) of section 21.
 - (2) Subsection (5) of that section shall not apply to an appeal which falls to be determined by an appointed person, but before it is determined the Secretary of State shall ask the appellant and the hazardous substances authority whether they wish to appear before and be heard by the appointed person.
 - (3) If both the parties express a wish not to appear and be heard the appeal may be determined without their being heard.
 - (4) If either of the parties expresses a wish to appear and be heard, the appointed person shall give them both an opportunity of doing so.
- [^{F1}(4B) Sub-paragraph (2) does not apply to an appeal to the Welsh Ministers.]
- (5) Where an appeal has been determined by an appointed person, his decision shall be treated as that of the Secretary of State.
 - (6) Except as provided by section 22, the validity of that decision shall not be questioned in any proceedings whatsoever.
 - (7) It shall not be a ground of application to the High Court under that section, that an appeal ought to have been determined by the Secretary of State and not by

Changes to legislation: *Planning (Hazardous Substances) Act 1990 is up to date with all changes known to be in force on or before 23 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*

an appointed person, unless the appellant or the hazardous substances authority challenge the appointed person's power to determine the appeal before his decision on the appeal is given.

(8) Where in any enactment (including this Act) there is a reference to the Secretary of State in a context relating or capable of relating—

- (a) to an appeal under section 21, or
- (b) to anything done or authorised or required to be done by, to or before the Secretary of State on or in connection with any such appeal,

then so far as the context permits it shall be construed, in relation to an appeal determined or falling to be determined by an appointed person, as a reference to him.

[^{F2}(10) Sub-paragraph (8) does not apply to references to the Welsh Ministers in section 21B (determination by the Welsh Ministers of procedure for certain proceedings).]

Textual Amendments

- F1** Sch. para. 2(4B) inserted (11.11.2014) by [The Town and Country Planning \(Determination of Procedure\) \(Wales\) Order 2014](#), art. 1(2), Sch. 1 para. 29(2).
- F2** Sch. para. 2(10) inserted (11.11.2014) by [The Town and Country Planning \(Determination of Procedure\) \(Wales\) Order 2014](#), art. 1(2), Sch. 1 para. 29(3).

Commencement Information

- I2** Sch. para. 2 wholly in force at 1.6.1992 see S.I. 1992/725, art. 3; Sch. para. 2 in force for certain purposes at 11.3.1992 see S.I. 1992/725, art. 2

Determination of appeals by Secretary of State

- 3 (1) The Secretary of State may, if he thinks fit, direct that an appeal which would otherwise fall to be determined by an appointed person shall instead be determined by the Secretary of State.
- (2) Such a direction shall state the reasons for which it is given and shall be served on the appellant, the hazardous substances authority, any person who made representations relating to the subject matter of the appeal which the authority were required to take into account by regulations made under section 8(4) or, as the case may be, regulations made under section 17(2) making provision corresponding to section 8(4) and, if any person has been appointed under paragraph 1, on him.
- (3) Where in consequence of such a direction an appeal under section 21 falls to be determined by the Secretary of State, the provisions of this Act which are relevant to the appeal shall, subject to the following provisions of this paragraph, apply to the appeal as if this Schedule had never applied to it.
- (4) The Secretary of State shall give the appellant, the hazardous substances authority and any person who has made such representations as are referred to in sub-paragraph (2) an opportunity of appearing before and being heard by a person appointed by the Secretary of State for that purpose if—
- (a) the reasons for the direction raise matters with respect to which any of those persons have not made representations; or
 - (b) in the case of the appellant or the hazardous substances authority, either of them was not asked in pursuance of paragraph 2(2) whether they wished to appear before and be heard by the appointed person, or expressed no wish

Changes to legislation: *Planning (Hazardous Substances) Act 1990 is up to date with all changes known to be in force on or before 23 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*

in answer to that question, or expressed a wish to appear and be heard but was not given an opportunity of doing so.

[^{F3}(4C) Sub-paragraph (4) does not apply in the case of an appeal to the Welsh Ministers.

(4D) In the case of an appeal to which section 21B applies, the Welsh Ministers must give the appellant, the hazardous substances authority and any person who has made representations mentioned in sub-paragraph (2) an opportunity to make further representations if the reasons for the direction raise matters with respect to which any of those persons have not made representations.]

(5) Except as provided by sub-paragraph (4) [^{F4}or (4D)], the Secretary of State need not give any person an opportunity of appearing before and being heard by a person appointed for the purpose, or of making fresh representations or making or withdrawing any representations already made.

(6) In determining the appeal the Secretary of State may take into account any report made to him by any person previously appointed to determine it.

Textual Amendments

- F3** Sch. para. 3(4C)(4D) inserted (11.11.2014) by [The Town and Country Planning \(Determination of Procedure\) \(Wales\) Order 2014](#), Sch. 1 para. 29(4).
- F4** Words in Sch. para. 3(5) inserted (11.11.2014) by [The Town and Country Planning \(Determination of Procedure\) \(Wales\) Order 2014](#), Sch. 1 para. 29(5).
-

Commencement Information

- I3** Sch. para. 3 wholly in force at 1.6.1992 see S.I. 1992/725, art. 3; Sch. para. 3 in force for certain purposes at 11.3.1992, see S.I. 1992/725, art. 2

- 4 (1) The Secretary of State may by a further direction revoke a direction under paragraph 3 at any time before the determination of the appeal.
- (2) Such a further direction shall state the reasons for which it is given and shall be served on the person, if any, previously appointed to determine the appeal, the appellant, the hazardous substances authority and any person who made representations relating to the subject matter of the appeal which the authority were required to take into account by regulations made under section 8(4) or, as the case may be, regulations made under section 17(2) making provision corresponding to section 8(4).
- (3) Where such a further direction has been given the provisions of this Schedule relevant to the appeal shall apply, subject to sub-paragraph (4), as if no direction under paragraph 3 had been given.
- (4) Anything done by or on behalf of the Secretary of State in connection with the appeal which might have been done by the appointed person (including any arrangements made for the holding of a hearing or local inquiry) shall, unless that person directs otherwise, be treated as having been done by him.

Commencement Information

- I4** Sch. para. 4 wholly in force at 1.6.1992 see S.I. 1992/725, art. 3; Sch. para. 4 in force for certain purposes at 11.3.1992 see S.I. 1992/725, art. 2

Changes to legislation: Planning (Hazardous Substances) Act 1990 is up to date with all changes known to be in force on or before 23 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

Appointment of another person to determine appeal

- 5 (1) At any time before the appointed person has determined the appeal the Secretary of State may—
- (a) revoke his appointment; and
 - (b) appoint another person under paragraph 1 to determine the appeal instead.
- (2) Where such a new appointment is made the consideration of the appeal or any inquiry or other hearing in connection with it shall be begun afresh.
- (3) Nothing in sub-paragraph (2) shall require—
- (a) the question referred to in paragraph 2(2) to be asked again with reference to the new appointed person if before his appointment it was asked with reference to the previous appointed person (any answers being treated as given with reference to the new appointed person); or
 - (b) any person to be given an opportunity of making fresh representations or modifying or withdrawing any representations already made.

Commencement Information

I5 Sch. para. 5 wholly in force at 1.6.1992 see S.I. 1992/762, art. 3; Sch. para. 5 in force for certain purposes at 11.3.1992 see S.I. 1992/725, art. 2

Local inquiries and hearings

- 6 (1) Whether or not the parties to an appeal have asked for an opportunity to appear and be heard, an appointed person—
- (a) may hold a local inquiry in connection with the appeal; and
 - (b) shall do so if the Secretary of State so directs.
- [^{F5}(1B) Sub-paragraph (1) does not apply in the case of an appeal to the Welsh Ministers, but an appointed person may hold a hearing or a local inquiry in connection with such an appeal pursuant to a determination under section 21B.]
- (2) Where an appointed person—
- (a) holds a hearing by virtue of paragraph 2(4) [^{F6}or this paragraph]; or
 - (b) holds an inquiry by virtue of this paragraph,
- an assessor may be appointed by the Secretary of State to sit with the appointed person at the hearing or inquiry to advise him on any matters arising, notwithstanding that the appointed person is to determine the appeal.
- (3) Subject to sub-paragraph (4), the costs—
- (a) of any hearing held by virtue of paragraph 2(4) [^{F7}or this paragraph]; and
 - (b) of any inquiry held under this paragraph,
- shall be defrayed by the Secretary of State.
- (4) Section 250(2) to (5) of the ^{M1}Local Government Act 1972 (local inquiries: evidence and costs) applies to an inquiry held by virtue of this paragraph [^{F8}in England] with the following adaptations—
- (a) for the references in subsection (4) (recovery of costs of holding the inquiry) to the Minister causing the inquiry to be held there shall be substituted references to the Secretary of State; and

Changes to legislation: Planning (Hazardous Substances) Act 1990 is up to date with all changes known to be in force on or before 23 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

- (b) for the reference in subsection (5) (orders as to the costs of the parties) to the Minister causing the inquiry to be held there shall be substituted a reference to the appointed person or the Secretary of State.

[^{F9}(4A) Subsections (2) and (3) of that section apply to an inquiry held under this paragraph in Wales.]

- (5) Subject to sub-paragraph (6), at any [^{F10}inquiry held by virtue of this paragraph] oral evidence shall be heard in public and documentary evidence shall be open to public inspection.

- (6) If the Secretary of State is satisfied in the case of any such inquiry—

- (a) that giving evidence of a particular description or, as the case may be, making it available for inspection would be likely to result in the disclosure of information as to any of the matters mentioned in sub-paragraph (7); and
(b) that the public disclosure of that information would be contrary to the national interest,

he may direct that evidence of the description indicated in the direction shall only be heard or, as the case may be, open to inspection at that inquiry by such persons or persons of such descriptions as he may specify in that direction.

- (7) The matters referred to in sub-paragraph (6)(a) are—

- (a) national security; and
(b) the measures taken or to be taken to ensure the security of any premises or property.

[^{F11}(8) The appointed person or the Secretary of State has the same power to make orders under section 250(5) of the ^{M2}Local Government Act 1972 (orders with respect to costs of the parties) in relation to proceedings [^{F12}in England] under this Schedule which do not give rise to an inquiry as he has in relation to such an inquiry.]

Textual Amendments

- F5** Sch. para. 6(1B) 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. 29(6)(a)
- F6** Words in Sch. para. 6(2)(a) 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. 29(6)(b)**
- F7** Words in Sch. para. 6(3)(a) 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. 29(6)(b)**
- F8** Words in Sch. para. 6(4) 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. 26(a)**; S.I. 2016/52, art. 4(k) (with art. 17)
- F9** Sch. para. 6(4A) 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. 26(b)**; S.I. 2016/52, art. 4(k) (with art. 17)
- F10** Words in Sch. para. 6(5) substituted (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. 26(c)**; S.I. 2016/52, art. 4(k) (with art. 17)
- F11** Sch. para. 6(8) omitted (temp.) by virtue of [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 6, **Sch. 4 paras. 1, 16** (which temp. omission falls (2.1.1992) for specified purposes only by virtue of S.I. 1991/2698, **arts. 3, 4**)

Changes to legislation: *Planning (Hazardous Substances) Act 1990 is up to date with all changes known to be in force on or before 23 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*

F12 Words in Sch. para. 6(8) 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. 26(d)**; S.I. 2016/52, art. 4(k) (with art. 17)

Modifications etc. (not altering text)

C1 Sch. para. 6(6) functions made exercisable concurrently or jointly with the Welsh Ministers by 2006 c. 32, Sch. 3A para. 1 (as inserted (1.4.2018) by **Wales Act 2017 (c. 4)**, s. 71(4), **Sch. 4 para. 1** (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(p))

C2 Sch. para. 6(8): transitory modification by 1990 c. 11, Sch. 4 para. 16 falls (6.4.2009) for further specified purposes by virtue of S.I. 2009/849, art. 2 (with art. 3)

Commencement Information

I6 Sch. para. 6 wholly in force at 1.6.1992 see S.I. 1992/725, art. 3; Sch. para. 6 in force for certain purposes at 11.3.1992 see S.I. 1992/725, art. 2

Marginal Citations

M1 1972 c. 70.

M2 1972 c. 70.

[^{F13}6A(1)] If the Secretary of State is considering giving a direction under paragraph 6(6) the Attorney General may appoint a person to represent the interests of any person who will be prevented from hearing or inspecting any evidence at a local inquiry if the direction is given.

(2) If before the Secretary of State gives a direction under paragraph 6(6) no person is appointed under sub-paragraph (1), the Attorney General may at any time appoint a person as mentioned in sub-paragraph (1) for the purposes of the inquiry.

(3) The Lord Chancellor may by rules make provision—

(a) as to the procedure to be followed by the Secretary of State before he gives a direction under paragraph 6(6) in a case where a person has been appointed under sub-paragraph (1);

(b) as to the functions of a person appointed under sub-paragraph (1) or (2).

(4) If a person is appointed under sub-paragraph (1) or (2) (the appointed representative) the Secretary of State may direct any person who he thinks is interested in the inquiry in relation to a matter mentioned in paragraph 6(7) (the responsible person) to pay the fees and expenses of the appointed representative.

(5) If the appointed representative and the responsible person are unable to agree the amount of the fees and expenses, the amount must be determined by the Secretary of State.

(6) The Secretary of State must cause the amount agreed between the appointed representative and the responsible person or determined by him to be certified.

(7) An amount so certified is recoverable from the responsible person as a civil debt.

(8) Rules made under sub-paragraph (3) must be contained in a statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(9) Sub-paragraph (10) applies if—

(a) a person is appointed under sub-paragraph (1) or (2), but

(b) no inquiry is held as mentioned in paragraph 6(1).

Changes to legislation: Planning (Hazardous Substances) Act 1990 is up to date with all changes known to be in force on or before 23 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

- (10) Sub-paragraphs (4) to (7) above apply in respect of the fees and expenses of the person appointed as if the inquiry had been held.
- (11) For the purposes of sub-paragraph (10) the responsible person is the person to whom the Secretary of State thinks he would have given a direction under sub-paragraph (4) if an inquiry had been held.
- (12) Sub-paragraphs (9) to (11) do not affect paragraph 6(8).]

Textual Amendments

- F13** Sch. para. 6A inserted (6.8.2004 for specified purposes, 7.6.2006 in so far as not already in force) by Planning and Compulsory Purchase Act 2004 (c. 5), s. 80(4) (with s. 111); S.I. 2004/2097, art. 2; S.I. 2006/1281, art. 2(a)

Supplementary provisions

- 7 (1) The Tribunals and Inquiries Act [^{F14}1992] shall apply to a local inquiry or other hearing held in pursuance of this Schedule as it applies to a statutory inquiry held by the Secretary of State, but as if in [^{F15}section 10(1)] of that Act (statement of reasons for decisions) the reference to any decision taken by the Secretary of State were a reference to a decision taken by an appointed person.
- (2) Where an appointed person is an officer of [^{F16}the Department for Levelling Up, Housing and Communities] or the Welsh Office the functions of determining an appeal and doing anything in connection with it conferred on him by this Schedule shall be treated for the purposes of the ^{M3}Parliamentary Commissioner Act 1967—
- (a) if he was appointed by the Secretary of State for the time being having general responsibility in planning matters in relation to England, as functions of that Department; and
- (b) if he was appointed by the Secretary of State for the time being having general responsibility in planning matters in relation to Wales, as functions of the Welsh Office.

Textual Amendments

- F14** Words in Sch. 3 para. 7(1) substituted (1.10.1992) by Tribunals and Inquiries Act 1992 (c. 53, SIF 127), ss. 18(1), 19(2), Sch. 3 para. 34(a)
- F15** Words in Sch. para. 7(1) substituted (1.10.1992) by Tribunals and Inquiries Act 1992 (c. 53, SIF 127), ss. 18(1), 19(2), Sch. 3 para. 34(b)
- F16** Words in Sch. para. 7(2) substituted (8.12.2021) by The Transfer of Functions (Secretary of State for Levelling Up, Housing and Communities) Order 2021 (S.I. 2021/1265), art. 1(2), Sch. 2 para. 8 (with art. 12)

Commencement Information

- I7** Sch. para. 7 wholly in force at 1.6.1992 see S.I. 1992/725, art. 3; Sch. para. 7 in force for certain purposes at 11.3.1992 see S.I. 1992/725, art. 2

Marginal Citations

- M3** 1967 c. 13.

Changes to legislation: Planning (Hazardous Substances) Act 1990 is up to date with all changes known to be in force on or before 23 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

[^{F17}Local inquiries: Wales

Textual Amendments

F17 Sch. para. 8 and cross-heading inserted (6.8.2004 for specified purposes, 7.6.2006 in so far as not already in force) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), s. **81(3)** (with s. 111); S.I. 2004/2097, art. 2; S.I. 2006/1281, art. 2(a)

- 8 (1) This paragraph applies in relation to a local inquiry held in pursuance of this Schedule if the matter in respect of which the inquiry is to be held relates to Wales.
- (2) The references in paragraph 6A(1) and (2) to the Attorney General must be read as references to the Counsel General to the [^{F18}Welsh Assembly Government].
- (3) The Assembly may by regulations make provision as mentioned in paragraph 6A(3) in connection with a local inquiry to which this section applies.
- (4) If the Assembly acts under sub-paragraph (3) rules made by the Lord Chancellor under paragraph 6A(3) do not have effect in relation to the inquiry.
- ^{F19}(5)
- (6) Section 40(3) does not apply to regulations made under this paragraph.]

Textual Amendments

- F18** Words in Sch. para. 8(2) substituted by [Government of Wales Act 2006 \(c. 32\)](#), ss. 160, 163, **Sch. 10 para. 37(a)** (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(1)(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(5) of the amending Act
- F19** Sch. para. 8(5) repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 160, 163, **Sch. 10 para. 37(b)**, **Sch. 12** (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(1)(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(5) of the amending Act

Table of Derivations

Notes:

- 1 The following abbreviations are used in this Table:—

1969 c.48 =	The Post Office Act 1969
1971 c.78 =	The Town and Country Planning Act 1971
1973 c.41 =	The Fair Trading Act 1973

Changes to legislation: *Planning (Hazardous Substances) Act 1990 is up to date with all changes known to be in force on or before 23 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*

1981 c.41 =	The Local Government and Planning (Amendment) Act 1981
1982 c.16 =	The Civil Aviation Act 1982
1982 c.21 =	The Planning Inquiries (Public) Act 1982
1984 c.10 =	The Town and Country Planning Act 1984
1985 c.9 =	The Companies (Consequential Provisions) Act 1985
1986 c.44=	The Gas Act 1986
1986 c.63 =	The Housing and Planning Act 1986
1988 c.4 =	The Norfolk and Suffolk Broads Act 1988
1988 c.50 =	The Housing Act 1988
1989 c.15 =	The Water Act 1989
1989 c.29 =	The Electricity Act 1989

2 The letter R followed by a number indicates that the provision gives effect to the Recommendation bearing that number in the Law Commission’s Report on the Consolidation of Certain Enactments relating to Town and Country Planning (Cmnd.958).

3 The entry “drafting” indicates a provision of a mechanical or editorial nature only affecting the arrangement of the consolidation.

Provision	Derivation
1	1971 c.78 s.1A(1); 1986 c.63 s.30.
2(1)	1971 c.78 s.1B(1), (2); 1986 c.63 s.30.
(2)	1971 c.78 s.1B(3)(4); 1986 c.63 s.30.
(3)	1971 c.78 s.1B(5); 1986 c.63 s.30.
(4)	1971 c.78 s.1B(4); 1986 c.63 s.30.
3(1)	1971 c.78 s.1A(2); 1986 c.63 s.30.
(2)	1971 c.78 s.1A(3); 1986 c.63 s.30.
(3)	1971 c.78 s.1A(3A); 1988 c.4 Sch. 3 para.9; R 54.
(4)	1971 c.78 s.1A(4); 1986 c.63 s.30; R 54.
(5)	1988 c.50 s.67(6); R 54.
(6)	1971 c.78 s.1A(1)(part); 1986 c.63 s.30.
4(1),(2)	1971 c.78 s.58B(1); 1986 c.63 s.31.
(3)	1971 c.78 s.58B(2); 1986 c.63 s.31.

Changes to legislation: *Planning (Hazardous Substances) Act 1990 is up to date with all changes known to be in force on or before 23 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*

(4)	1971 c.78 s.58B(3)(b); 1986 c.63 s.31.
(5)	1971 c.78 s.58B(6); 1986 c.63 s.31.
5(1)	1971 c.78 s.58B(3)(a), (3)(c); 1986 c.63 s.31.
(2)	1971 c.78 s.58B(4); 1986 c.63 s.31.
(3)	1971 c.78 s.58B(5); 1986 c.63 s.31.
(4)	1971 c.78 s.58B(6); 1986 c.63 s.31.
6(1)	1971 c.78 ss.58C, 58F; 1986 c.63 s.34.
(2)	1971 c.78 s.58J(1); 1986 c.63 s.31.
7(1)	1971 c.78 s.58C(1); 1986 c.63 s.31.
(2)	1971 c.78 s.58C(4); 1986 c.63 s.31.
(3)	1971 c.78 s.58C(5); 1986 c.63 s.31.
(4)	1971 c.78 s.58C(6); 1986 c.63 s.31.
8(1)to(5)	1971 c.78 s.58C(2); 1986 c.63 s.31.
(6)	1971 c.78 s.58C(3); 1986 c.63 s.31.
(7)	1971 c.78 s.58C(6); 1986 c.63 s.31.
(8)	1971 c.78 s.27(7).
9(1)	1971 c.78 s.58D(1)(part); 1986 c.63 s.31.
(2)	1971 c.78 s.58D(1)(2); 1986 c.63 s.31.
(3)	1971 c.78 s.58D(3); 1986 c.63 s.31.
(4)	1971 c.78 s.58D(4)(part); 1986 c.63 s.31.
10(1)	1971 c.78 s.58D(5); 1986 c.63 s.31.
(2)	1971 c.78 s.58D(5); 1986 c.63 s.31; R 55.
(3)	1971 c.78 s.58D(4)(c); 1986 c.63 s.31.
11(1)	1986 c.63 s.34(3).
(2)	1986 c.63 s.34(4).
(3)	1986 c.63 s.34(5).
(4)	1986 c.63 s.34(6).
(5)	1986 c.63 s.34(7).
(6)	1986 c.63 s.34(8).
(7)	1986 c.63 s.34(9).
(8)	1986 c.63 s.34(10).
12(1)	1971 c.78 s.58F(1); 1986 c.63 s.31.

Changes to legislation: *Planning (Hazardous Substances) Act 1990 is up to date with all changes known to be in force on or before 23 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*

(2)	1989 c. 29 Sch. 8 para. 7(2).
(3)	1971 c.78 s.58F(2); 1986 c.63 s.31; 1989 c. 29 Sch. 8 para. 7(2).
(4)	1971 c.78 s.58F(4); 1986 c.63 s.31.
(5)	1971 c.78 s.58F(3); 1986 c.63 s.31.
13(1)	1971 c.78 s.58G(1); 1986 c.63 s.31.
(2)to(4)	1971 c.78 s.58G(2); 1986 c.63 s.31.
(5)to(7)	1971 c.78 s.58G(3) to (5); 1986 c.63 s.31.
14(1)	1971 c.78 s.58H(3); 1986 c.63 s.31.
(2), (3)	1971 c.78 s.58H(1)(part), (2); 1986 c.63 s.31.
(4)	1971 c.78 s.58H(4); 1986 c.63 s.31.
15(1), (2)	1971 c.78 s.58H(5); 1986 c.63 s.31.
(3) to (5)	1971 c.78 s.58H(6); 1986 c.63 s.31.
(6)	1971 c.78 c.58H(7); 1986 c.63 s.31.
16(1)	1971 c.78 s.58H(8); 1986 c.63 s.31.
(2) to (4)	1971 c.78 s.170(2) to (4).
(5)	Drafting.
17(1)	1971 c.78 s.58J(2); 1986 c.63 s.31.
(2)	1971 c.78 s.58J(3); 1986 c.63 s.31.
18(1)	1971 c.78 s.58J(4)(part); 1986 c.63 s.31.
(2)	1971 c.78 s.58J(4)(part),(5); 1986 c.63 s.31.
(3)	1971 c.78 s.58J(6); 1986 c.63 s.31.
(4)	1971 c.78 s.58J(7); 1986 c.63 s.31.
(5)	1971 c.78 s.58J(8); 1986 c.63 s.31.
(6)	1971 c.78 s.58J(9); 1986 c.63 s.31; R 56.
(7)	1971 c.78 s.58J(10),(11),(a),(d), s.37; 1986 c.63 s.31.
19	1971 c.78 s.58J(12); 1986 c.63 s.31.
20(1)	1971 c.78 ss.35(1), 58E, 58J(10),(11); 1986 c.63 s.31.
(2)	1971 c.78 ss.35(2), 58E, 58J(10),(11); 1986 c.63 s.31.

Changes to legislation: *Planning (Hazardous Substances) Act 1990 is up to date with all changes known to be in force on or before 23 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) | 1971 c.78 ss.35(3), 58E, 58J(10),(11);
1986 c.63 s.31. |
| (4) | 1971 c.78 ss.35(5), 58E, 58J(10),(11);
1986 c.63 s.31. |
| (5) | 1971 c.78 ss.35(6), 58E, 58J(10),(11);
1986 c.63 s.31. |
| (6) | 1971 c.78 s.58E(3); 1986 c.63 s.31. |
| 21(1) | 1971 c.78 ss.58E, 58J(10),(11), 36(1);
1986 c.63 s.31; R 57. |
| (2) | 1971 c.78 ss.58E, 58J(10),(11), 37;
1986 c.63 s.31; R 8(a). |
| (3) | 1971 c.78 ss.58E, 58J(10),(11), 36(2);
1986 c.63 s.31. |
| (4) | 1971 c.78 ss.58E, 58J(10),(11), 36(3);
1986 c.63 s.31. |
| (5) | 1971 c.78 ss.58E, 58J(10),(11), 36(4);
1986 c.63 s.31. |
| (6) | 1971 c.78 ss.58E, 58J(10),(11) 36(6);
1986 c.63 s.31. |
| (7) | 1971 c.78 s.58E(3); 1986 c.63 s.31. |
| (8) | 1971 c.78 ss.36(8), 58E, 58J(10),(11);
1986 c.63 s.31. |
| 22(1) | 1971 c.78 s.245(1); R 57 and R 58. |
| (2) | 1971 c.78 s.245(2) (7); R 57 and R 58. |
| (3) | 1971 c.78 s.245(4). |
| (4) | 1971 c.78 s.245(7)(part); 1972 c.70
Sch.16 para.46. |
| (5) | 1971 c.78 s.242(1)(e), (3)(dd); 1986
c.63 Sch.7 para.2; R 57. |
| (6) | 1971 c.78 s.242(4). |
| 23 | 1971 c.78 s.58K; 1986 c.63 s.31. |
| 24(1) | 1971 c.78 s.101B(1),(3); 1986 c.63
s.32. |
| (2) | 1971 c.78 s.101B(3)(part); 1986 c.63
s.32. |
| (3) | 1971 c.78 s.101B(2); 1986 c.63 s.32. |
| (4) to (9) | 1971 c.78 s.101B(4) to (9); 1986 c.63
s.32. |
| 25(1) to (3) | 1971 c.78 s.101B (10) to (12); 1986
c.63 s.32. |

Changes to legislation: *Planning (Hazardous Substances) Act 1990 is up to date with all changes known to be in force on or before 23 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*

(4)	1971 c.78 s.110(2).
26	1986 c.63 s.34(1),(2),(10).
27	1971 c.78 s.58L; 1986 c.63 s.31.
28	1971 c.78 s.58M; 1986 c.63 s.31; R 55, R 59.
29(1),(2)	1971 c.78 s.58N(1); 1986 c.63 s.31.
(3)	1971 c.78 s.58N(2); 1986 c.63 s.31.
(4)	1971 c.78 s.58N(3); 1986 c.63 s.31.
(5)	1971 c.78 s.58N(4); 1986 c.63 s.31.
(6)	1971 c.78 s.58N(5); 1986 c.63 s.31.
30(1)	1971 c.78 s.271A(1); 1986 c.63 Sch.7 Part I para.5.
(2)	1971 c.78 s.271A(2); 1986 c.63 Sch.7 Part I para.5.
31(1)	1971 c.78 s.266(1)(b).
(2)	1971 c.78 s.266(2)(a); 1981 c.41 Sch. para.20; 1986 c.63 Sch.7 Part I para. 3.
(3)	1971 c.78 s.266(7).
(4)	1984 c.10 s.4(1).
(5)	1971 c.78 s.266(7); 1984 c.10 s.6(1).
(6)	1971 c.78 s.266(7)(part).
32(1)	1984 c.10 s.1(1); 1986 c.10 Sch.7 Part I para. 8.
(2)	1984 c.10 s.1(2).
(3)	1984 c.10 s.1(3A); 1986 c.10 Sch.7 para. 8.
(4)	1984 c.10 s.1(5); R 60.
(5)	1984 c.10 s.1(7).
(6)	1984 c.10 ss.1(6), 6(1),(2).
(7)	1984 c.10 s.6(1),(2).
(8)	1984 c.10 s.4(1).
33	1971 c.78 s.273.
34(1)to(3)	1971 c.78 s.274(1)to(3).
(4)	1971 c.78 s.274(5).
35	1971 c.78 s.269(2); 1986 c.63 Sch.7 Part I para.4.
36(1)	1971 c.78 s.280(1A); 1986 c.63 Sch.7 Part I para.6.

Changes to legislation: *Planning (Hazardous Substances) Act 1990 is up to date with all changes known to be in force on or before 23 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*

(2)	1971 c.78 s.280(4)(part); 1986 c.63 Sch.7 Part I para.6.
(3)	1971 c.78 s.280(6),(6A); 1986 c.63 Sch.7 Part I para.6.
(4)	1971 c.78 s.280(8); 1986 c.63 Sch.7 Part I para.6; R 61.
(5)	1971 c.78 s.280(9).
(6)	1971 c.78 s.281, drafting.
37	1971 c.28 ss. 282, 282A, 282B, 283, 284, 285; 1986 c.63 Sch. 11 paras. 9, 10.
38(1)	1971 c.78 s.254.
(2)	1971 c.78 s.255(2)(b); R 62.
(3)	1971 c.78 s.255(3).
(4)	1971 c.78 s.255(5).
(5)	1971 c.78 s.263(1); 1972 c.70 Sch. 29 Pt. I para. 3(b).
(6),(7)	1971 c.78 ss. 260(1)(part), 262; 1986 c.63 s.56.
39(1),(2)	1971 c.78 s.290(1); 1986 c. 44 Sch. 7 para. 2(9)(e); 1986 c.63 Sch.7 Part I para.7(a),(b).
(3)	1971 c.78 s.58B(7); 1973 c.41 s.137(5); 1985 c.9 Sch.2; 1986 c.63 s.31.
(4)	1986 c.44 Sch.7 para.2(1),(9).
(5)	1989 c.15 Sch.25 para. 1(1),(2),(10).
(6)	1969 c.49 Sch. 4 para. 93;1982 c.16 Sch. 2 para. 4; 1989 c.29 Sch. 16 para. 1(1)(xxii).
(7),(8)	1971 c.78 s.290(2).
40(1)	1971 c.78 s.287(1)(b).
(2),(3)	1971 c.78 s.287(2).
41(1)	Drafting.
(2)	Drafting.
(3)	1986 c.63 s.57(2).
(4)	Drafting.
Sch. para.1(1)	1971 c.78 Sch.9 para.1(1).
(2)	1971 c.78 Sch.9 para.1(1).
(3)	1971 c.78 Sch.9 para.1(2).

Changes to legislation: *Planning (Hazardous Substances) Act 1990 is up to date with all changes known to be in force on or before 23 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*

(4)	1971 c.78 Sch.9 para.1(3).
(5)	Drafting.
para.2(1)	1971 c.78 Sch.9 para.2(1).
(2)	1971 c.78 Sch.9 para.2(2).
(3)	1971 c.78 Sch.9 para.2(2)(a).
(4)	1971 c.78 Sch.9 para.2(2)(b).
(5)	1971 c.78 Sch.9 para.3.
(6)	1971 c.78 Sch.9 para.2(3)(a).
(7)	1971 c.78 Sch.9 para.2(3)(b).
(8)	1971 c.78 Sch.9 para.2(4).
para.3(1)	1971 c.78 Sch.9 para.3(1).
(2)	1971 c.78 Sch.9 para.3(2); R 52.
(3)	1971 c.78 Sch.9 para.3(3).
(4)	1971 c.78 Sch.9 para.3(4); R 52.
(5)	1971 c.78 Sch.9 para.3(5).
(6)	1971 c.78 Sch.9 para.3(5).
para.4(1)	1971 c.78 Sch.9 para.3A(1); 1986 c.63 Sch.11 para.11.
(2)	1971 c.78 Sch.9 para.3A(2); 1986 c.63 Sch.11 para.11; R 52.
(3)	1971 c.78 Sch.9 para.3A(3); 1986 c.63 Sch.11 para.11.
(4)	1971 c.78 Sch.9 para.3A(4); 1986 c.63 Sch.11 para.11.
para.5(1)	1971 c.78 Sch.9 para.4(1).
(2)	1971 c.78 Sch.9 para.4(2)(a).
(3)	1971 c.78 Sch.9 para.4(2).
para.6(1)	1971 c.78 Sch.9 para.5(1).
(2)	1971 c.78 Sch.9 para.5(1A); 1986 c.63 Sch.11 para.12.
(3)	1971 c.78 Sch.9 para.5(2).
(4)	1971 c.78 Sch.9 para.5(3); 1986 c.63 Sch.11 para.8(2).
(5)	1982 c.21 s.1(1).
(6)	1982 c.21 s.1(2),(3).
(7)	1982 c.21 s.1(4).

Changes to legislation: *Planning (Hazardous Substances) Act 1990 is up to date with all changes known to be in force on or before 23 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*

(8)	1971 c.78 Sch.9 para.5(4); 1986 Sch.11 para.9(2).
para.7	1971 c.78 Sch.9 para.7.

Changes to legislation:

Planning (Hazardous Substances) Act 1990 is up to date with all changes known to be in force on or before 23 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.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 3(4) words inserted by 2023 c. 55 Sch. 17 para. 4(a)(ii)
- s. 3(4) words substituted by 2023 c. 55 Sch. 17 para. 4(a)(i)
- s. 25(1)(b)(v) words inserted by 2008 c. 29 Sch. 10 para. 28(a)
- s. 25(1)(c) words substituted by 2008 c. 29 Sch. 10 para. 28(b)
- s. 37(2) words inserted by 2023 c. 55 s. 124(7)(a)
- Sch. para. 3(5) words inserted by 2008 c. 29 Sch. 10 para. 30(5)
- Sch. para. 6(2)(a) words inserted by 2008 c. 29 Sch. 10 para. 30(7)
- Sch. para. 6(3)(a) words inserted by 2008 c. 29 Sch. 10 para. 30(7)

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(4A) inserted by 2023 c. 55 Sch. 17 para. 4(b)
- s. 9(2)(ca) inserted by 2023 c. 55 Sch. 6 para. 14
- s. 10(4) inserted by 2023 c. 55 s. 124(6)
- s. 20(4A) inserted by 2008 c. 29 Sch. 10 para. 26
- s. 21(5A) inserted by 2008 c. 29 Sch. 10 para. 27
- s. 37(3) inserted by 2008 c. 29 Sch. 10 para. 29
- s. 37(5) inserted by 2023 c. 55 s. 124(7)(b)
- Sch. para. 2(4A) inserted by 2008 c. 29 Sch. 10 para. 30(2)
- Sch. para. 2(9) inserted by 2008 c. 29 Sch. 10 para. 30(3)
- Sch. para. 3(4A)(4B) inserted by 2008 c. 29 Sch. 10 para. 30(4)
- Sch. para. 6(1A) inserted by 2008 c. 29 Sch. 10 para. 30(6)