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**Changes to legislation:** There are currently no known outstanding effects for the Planning (Consequential Provisions) Act 1990, Cross Heading: The Highways Act 1980 (c. 66). (See end of Document for details)

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## SCHEDULES

### SCHEDULE 2

#### CONSEQUENTIAL AMENDMENTS

##### *The Highways Act 1980 (c. 66)*

- 45 (1) In section 21 of the Highways Act 1980-
- (a) in subsection (1)—
    - (i) for the words “sections 230 to 232 of the Town and Country Planning Act 1971” there shall be substituted the words “sections 271 to 274 of the Town and Country Planning Act 1990”;
    - (ii) for the words “Part VI of that Act” there shall be substituted the words “Part IX of that Act”;
    - (iii) for the words “sections 237(2) and (3), 238 and 240, which provide for the payment of compensation, and sections 233 to 236, which contain provisions consequential on the extinguishment of any rights under section 230” there shall be substituted the words “sections 279(2) to (4), 280 and 282, which provide for the payment of compensation, and sections 275 to 278 which contain provisions consequential on the extinguishment of any rights under section 271 or 272”;
  - (b) in subsection (3), for the words “the said Act of 1971” there shall be substituted the words “the said Act of 1990”;
  - (c) in subsection (4), for the words “section 230 or 232 of the said Act of 1971” there shall be substituted the words “section 271, 272 or 273 of the said Act of 1990”.

<sup>F1</sup>(2) .....

- (3) In section 36(2)(d) of that Act, for the words “section 209 of the Town and Country Planning Act 1971 or by a competent authority under section 210 of that Act” there shall be substituted the words “section 247 of the Town and Country Planning Act 1990 or by a competent authority under section 257 of that Act”.
- (4) In section 80(3)(c) of that Act, for the words “the Town and Country Planning Act 1971” there shall be substituted the words “the Town and Country Planning Act 1990”.
- (5) In section 105A(4)(b) of that Act for the words “the Town and Country Planning Act 1971” there shall be substituted the words “the Planning (Listed Buildings and Conservation Areas) Act 1990”.
- (6) In the definition of “pedestrian planning order” in section 115A(2) of that Act, for the words “section 212(2) of the Town and Country Planning Act 1971” there shall be substituted the words “section 249(2) of the Town and Country Planning Act 1990”.

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- (7) In sections 115H(1)(b)(ii), <sup>F2</sup> . . . and 123(2) of that Act, for the words “the Town and Country Planning Act 1971” there shall be substituted the words “the Town and Country Planning Act 1990”.
- (8) In section 125 of that Act—
- (a) in subsections (1) and (2)(a), for the words “section 211 of the Town and Country Planning Act 1971” there shall be substituted the words “section 248 of the Town and Country Planning Act 1990”;
  - (b) in subsection (4) for the words “Section 215 of the Town and Country Planning Act 1971”, “section 211 of that Act” and “section 215(2) and (7)” there shall be substituted respectively the words “Section 252 of the Town and Country Planning Act 1990”, “section 248 of that Act” and “section 252(2), (3), (10) and (11)”.
- (9) In section 126(1)(b) of that Act, for the words “section 211 of the Town and Country Planning Act 1971” there shall be substituted the words “section 248 of the Town and Country Planning Act 1990”.
- (10) In section 166(3) of that Act for the words “section 290(1) of the Town and Country Planning Act 1971” there shall be substituted the words “section 336(1) of the Town and Country Planning Act 1990”.
- (11) In sections 184(3) and 203(2)(b)(i) of that Act, for the words “the Town and Country Planning Act 1971” there shall be substituted the words “the Town and Country Planning Act 1990”.
- (12) In section 232 of that Act—
- (a) in subsection (8), for the words “the Town and Country Planning Act 1971” there shall be substituted the words “the Town and Country Planning Act 1990”;
  - (b) in subsection (9), in the definition of “development plan”, for the words “section 20 of the Town and Country Planning Act 1971” there shall be substituted the words “sections 27 and 54 of the Town and Country Planning Act 1990”.
- (13) In section 246(2) of that Act—
- (a) for the words “section 192(3) to (5) of the Town and Country Planning Act 1971” there shall be substituted the words “subsection (2) of section 149 of the Town and Country Planning Act 1990”;
  - (b) for the word “references”, in the first place where it occurs, there shall be substituted the words “the reference in subsection (4) of that section”; and
  - (c) for the words “section 193 of that Act as references” there shall be substituted the words “section 150 of that Act as a reference”.
- (14) In section 253(5) of that Act, for the words “section 52 of the Town and Country Planning Act 1971” there shall be substituted the words “section 106 of the Town and Country Planning Act 1990”.
- (15) In section 262 of that Act—
- (a) in subsection (1)—
    - (i) in paragraph (b), for the words “section 180, 188 or 189 of the Town and Country Planning Act 1971” there shall be substituted the words “section 137 of the Town and Country Planning Act 1990”;

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- (ii) in paragraph (c), for the words “section 193 of that Act or section 78 of the Land Compensation Act 1973” and “section 196 of the said Act of 1971” there shall be substituted respectively the words “section 150 or 161 of that Act” and “section 154 of that Act”;
- (b) in subsection (2)—
  - (i) in paragraph (b), for the words “section 180, 188 or 189 of the Town and Country Planning Act 1971” there shall be substituted the words “section 137 of the Town and Country Planning Act 1990”;
  - (ii) in paragraph (c), for the words “section 193 of that Act or section 78 of the Land Compensation Act 1973” there shall be substituted the words “section 150 or 161 of that Act” and for the words “section 196 of the said Act of 1971” there shall be substituted the words “section 154 of that Act”;
- (16) In section 272(1)(i) of that Act, for the words “section 211 of the Town and Country Planning Act 1971” there shall be substituted the words “section 248 of the Town and Country Planning Act 1990”.
- (17) In the definition of “local planning authority” in section 329(1) of that Act, for the words “the Town and Country Planning Act 1971” there shall be substituted the words “the Town and Country Planning Act 1990”.
- (18) In section 337 of that Act, for the words “section 23 of the Town and Country Planning Act 1971” there shall be substituted the words “section 57 of the Town and Country Planning Act 1990”.
- (19) In Schedule 5 to that Act—
  - (a) in the heading of that Schedule for the words “the Town and Country Planning Act 1971” there shall be substituted the words “the Town and Country Planning Act 1990”;
  - (b) in paragraph 1 of Part I for the words from “sections” to “Act”)” there shall be substituted the words “sections 271, 272, 274, 279(2) to (4), 280 and 282 of the Town and Country Planning Act 1990 (referred to in this Schedule as “the 1990 Act”)”;
  - (c) for paragraph 2 of that Part there shall be substituted—
    - “2 In subsection (2) of section 271 and of section 272 for the words from “any development” to “appropriated” substitute “any works in pursuance of the scheme or order, or as the case may be, for the purpose of ensuring that the highway can be safely used as a special road”.”;
  - (d) in paragraph 3 of that Part for the words from “subsection (4)” to “section 231” there shall be substituted the words “subsection (5) of the said section 271 and of the said section 272 and subsections (2) and (3) of the said section 274”;
  - (e) in paragraph 4 of that Part for the words “section 232(1) of the 1971 Act” there shall be substituted the words “section 273(1) of the 1990 Act”;
  - (f) in paragraphs 5 and 6 of that Part for the words “section 232” there shall be substituted the words “section 273”;
  - (g) in paragraph 1 of Part II for the words from “sections” to “1971 Act” there shall be substituted the words “sections 271, 272, 274, 279(2) to (4), 280 and 282 of the 1990 Act”;
  - (h) for paragraph 2 of that Part there shall be substituted—

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- “2 In subsection (2) of section 271 and of section 272 for the words from “is necessary” to “appropriated” substitute “is made necessary by the works in connection with which the stopping up or diversion of the highway is or was authorised”.”;
- (i) in paragraph 3 of that Part for the words from “subsection (4)” to “section 231” there shall be substituted the words “subsection (5) of the said section 271 and of the said section 272 and subsections (2) and (3) of the said section 274”;
- (j) in paragraph 4 of that Part for the words “section 232 of the 1971 Act” there shall be substituted the words “section 273 of the 1990 Act”;
- (k) in paragraph 5 of that Part for the words “the said section 232” there shall be substituted the words “the said section 273”.

#### Textual Amendments

- F1** Sch. 2 para. 45(2) repealed (1.4.1997) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 115, 117); S.I. 1996/2560, **art. 2**
- F2** Words in Sch. 2 para. 45(7) repealed (1.4.1997) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 115, 117); S.I. 1996/2560, **art. 2**

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