
Changes to legislation: There are currently no known outstanding effects for the Planning (Consequential Provisions) Act 1990, SCHEDULE 4. (See end of Document for details)

SCHEDULES

SCHEDULE 4

Section 6.

TRANSITORY MODIFICATIONS

- 1 (1) If—
- (a) no date has been appointed as the date on which a provision mentioned in column 1 of the following Table is to come into force before the relevant commencement date for a paragraph of this Schedule mentioned in column 2 of the Table opposite that provision, or
 - (b) a date has been appointed which is later than the relevant commencement date for that paragraph,
- then that paragraph shall have effect until the appointed day.

TABLE

<i>Provision</i>	<i>Paragraph of this Schedule</i>
F1	F1
...	...
F2	F2
...	...
Paragraph 9(1) of Schedule 11 to the Housing and Planning Act 1986 (c. 63).	Paragraphs 6, 11 and 14.
Paragraph 9(2) of Schedule 11 to the Housing and Planning Act 1986 (c. 63).	Paragraphs 7, 12 and 16.
The repeal of section 110(1) of the 1971 Act in Part III of Schedule 12 to the Housing and Planning Act 1986 (c. 63).	Paragraphs 3, 4, 5, 8, 9, 10, 13 and 15.

- (2) If—
- (a) a date has been appointed as the date on which a provision mentioned in column 1 of the Table in sub-paragraph (1) is to come into force for some purposes of that provision but not for others, and
 - (b) that date is on or before the relevant commencement date for a paragraph of this Schedule mentioned in column 2 of the Table opposite that provision,
- then that paragraph shall have effect for those other purposes of that provision (in so far as it is capable of doing so) until the relevant appointed day.
- (3) In this paragraph—
- “the relevant commencement date”, in relation to a paragraph of this Schedule, means the date on which the provision of the consolidating Acts referred to in that paragraph comes into force;
 - “the appointed day” means—

Changes to legislation: There are currently no known outstanding effects for the Planning (Consequential Provisions) Act 1990, SCHEDULE 4. (See end of Document for details)

- (a) in the case mentioned in paragraph (a) of sub-paragraph (1), such day as may be appointed by the Secretary of State by order made by statutory instrument; and
 - (b) in the case mentioned in paragraph (b) of that sub-paragraph, the day appointed as the day on which the provision mentioned in column 1 of the Table is to come into force.
- (4) An order under sub-paragraph (3) (other than an order appointing a day until which paragraph 2 has effect) may—
- (a) appoint different days for different provisions and for different purposes, and
 - (b) make such transitional provision as the Secretary of State thinks appropriate; and in sub-paragraph (2) “the relevant appointed day”, in relation to any purpose of a provision, means the day appointed as the day on which the provision is to come into force for that purpose.

Subordinate Legislation Made

P1 Sch. 4 para. 1(3)(4) power partly exercised (21.11.1991): 02.01.1992 appointed for specified provisions by [S.I. 1991/2698](#), [art. 3\(1\)\(2\)](#)

Textual Amendments

F1 Entry in Sch. 4 para. 1(1) repealed (10.02.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), [ss. 27, 84\(6\)](#), [Sch. 4 Pt. II para. 38\(a\)](#), [Sch. 19 Pt. I](#); [S.I. 1991/2905](#), [art. 4](#), [Sch. 3](#)

F2 Entry in Sch. 4 para. 1(1) repealed (27.8.1993) by [1993 c. 12](#), [ss. 50, 51\(2\)](#), [Sch.6 Pt. I](#) (with [ss. 42, 46](#)).

Commencement Information

I1 Sch. 4 para. 1(3)(a): 6.4.2009 appointed (E.) for the purposes of Sch. 4 paras. 3-16 by [S.I. 2009/849](#), [art. 2](#) (with [art. 3](#))

The principal Act

^{F32}

Textual Amendments

F3 Sch. 4 para. 2 repealed (10.02.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), [ss. 27, 84\(6\)](#), [Sch. 4 Pt. II para. 38\(b\)](#), [Sch. 19 Pt.I](#); [S.I. 1991/2905](#), [art. 4](#), [Sch.3](#)

3 At the end of section 175 of that Act there shall be inserted—

“(7) Subsection (5) of section 250 of the Local Government Act 1972 (which authorises a Minister holding an inquiry under that section to make orders with respect to the costs of the parties) shall apply in relation to any proceedings before the Secretary of State on an appeal under section 174 as if those proceedings were an inquiry held by the Secretary of State under section 250.”.

Commencement Information

I2 Sch. 4 para. 3: 02.01.1992 appointed for certain purposes by [S.I. 1991/2698](#), [arts. 3, 4](#)

Changes to legislation: There are currently no known outstanding effects for the Planning (Consequential Provisions) Act 1990, SCHEDULE 4. (See end of Document for details)

4 At the end of section 196 of that Act there shall be inserted—

“(8) Subsection (5) of section 250 of the Local Government Act 1972 (which authorises a Minister holding an inquiry under that section to make orders with respect to the costs of the parties) shall apply in relation to any proceedings before the Secretary of State on an appeal under section 195 as if those proceedings were an inquiry held by the Secretary of State under section 250.”.

Commencement Information

I3 Sch. 4 para. 4: 02.01.1992 appointed for certain purposes by [S.I. 1991/2698](#), [arts. 3, 4](#)

5 At the end of section 208 of that Act there shall be inserted—

“(11) Subsection (5) of section 250 of the Local Government Act 1972 (which authorises a Minister holding an inquiry under that section to make orders with respect to the costs of the parties) shall apply in relation to any proceedings before the Secretary of State on an appeal under this section as if those proceedings were an inquiry held by the Secretary of State under section 250.”.

Commencement Information

I4 Sch. 4 para. 5: 02.01.1992 appointed for certain purposes by [S.I. 1991/2698](#), [arts. 3, 4](#)

6 Section 322 of that Act shall be omitted.

Commencement Information

I5 Sch. 4 para. 6: 02.01.1992 appointed for certain purposes by [S.I. 1991/2698](#), [arts. 3, 4](#)

7 In paragraph 6 of Schedule 6 to that Act sub-paragraph (5) shall be omitted.

Commencement Information

I6 Sch. 4 para. 7: 02.01.1992 appointed for certain purposes by [S.I. 1991/2698](#), [arts. 3, 4](#)

8 In Schedule 16 to that Act—

- (a) in Part I the words “Section 175(7)”, “Section 196(8)” and “Section 208(11)”; and
 - (b) in Part V the words “Section 208(11)”,
- shall be inserted at the appropriate places.

Commencement Information

I7 Sch. 4 para. 8: 02.01.1992 appointed for certain purposes by [S.I. 1991/2698](#), [arts. 3, 4](#)

Changes to legislation: There are currently no known outstanding effects for the Planning (Consequential Provisions) Act 1990, SCHEDULE 4. (See end of Document for details)

The Planning (Listed Buildings and Conservation Areas) Act 1990

9 At the end of section 41 of the ^{M1}Planning (Listed Buildings and Conservation Areas) Act 1990 there shall be inserted—

“(8) Subsection (5) of section 250 of the Local Government Act 1972 (which authorises a Minister holding an inquiry under that section to make orders with respect to the costs of the parties) shall apply in relation to any proceedings before the Secretary of State on an appeal under section 39 as if those proceedings were an inquiry held by the Secretary of State under section 250.”.

Commencement Information

I8 Sch. 4 para. 9: 02.01.1992 appointed for certain purposes by [S.I. 1991/2698](#), [arts. 3, 4](#)

Marginal Citations

M1 1990 c. 9.

10 In sections 85(1), 90(6)(a) and 92(2)(a) of that Act after “2(1) to (3)”, and in section 82(1) after “39(6)”, there shall be inserted “41(8)”.

Commencement Information

I9 Sch. 4 para. 10: 02.01.1992 appointed for certain purposes by [S.I. 1991/2698](#), [arts. 3, 4](#)

11 In section 89(1) of that Act the words from “section 322” to “held)” shall be omitted.

Commencement Information

I10 Sch. 4 para. 11: 02.01.1992 appointed for certain purposes by [S.I. 1991/2698](#), [arts. 3, 4](#)

12 In paragraph 6 of Schedule 3 to that Act sub-paragraph (8) shall be omitted.

Commencement Information

I11 Sch. 4 para. 12: 02.01.1992 appointed for certain purposes by [S.I. 1991/2698](#), [arts. 3, 4](#)

The Planning (Hazardous Substances) Act 1990

13 In section 25 of the ^{M2}Planning (Hazardous Substances) Act 1990, at the end there shall be inserted—

“(5) Subsection (5) of section 250 of the Local Government Act 1972 (which authorises a Minister holding an inquiry under that section to make orders with respect to the costs of the parties) shall apply in relation to any proceedings before the Secretary of State on an appeal under this section as if those proceedings were an inquiry held by the Secretary of State under section 250.”.

Changes to legislation: There are currently no known outstanding effects for the Planning (Consequential Provisions) Act 1990, SCHEDULE 4. (See end of Document for details)

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Commencement Information

I12 Sch. 4 para. 13: 02.01.1992 appointed for certain purposes by [S.I. 1991/2698](#), [arts. 3, 4](#)

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Marginal Citations

M2 [1990 c. 10](#).

14 In section 37 of that Act the words from “section 322” to “held)” shall be omitted.

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Commencement Information

I13 Sch. 4 para. 14: 02.01.1992 appointed for certain purposes by [S.I. 1991/2698](#), [arts. 3, 4](#)

15 In section 38(5) of that Act, after “21” there shall be inserted “25(5)”.

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Commencement Information

I14 Sch. 4 para. 15: 02.01.1992 appointed for certain purposes by [S.I. 1991/2698](#), [arts. 3, 4](#)

16 In paragraph 6 of the Schedule to that Act sub-paragraph (8) shall be omitted.

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Commencement Information

I15 Sch. 4 para. 16: 02.01.1992 appointed for certain purposes by [S.I. 1991/2698](#), [arts. 3, 4](#)

This Act

^{F4}17

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Textual Amendments

F4 Sch. 4 para. 17 repealed (27.8.1993) by [1993 c. 12](#), [ss. 50, 51\(2\)](#), [Sch. 6 Pt.I](#).

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