

Changes to legislation: Planning (Listed Buildings and Conservation Areas) Act 1990, Paragraph 7 is up to date with all changes known to be in force on or before 18 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

SCHEDULES

SCHEDULE 3

DETERMINATION OF CERTAIN APPEALS BY PERSON APPOINTED BY SECRETARY OF STATE

Modifications etc. (not altering text)

- C1** Sch. 3 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))

Supplementary provisions

- 7 (1) The ^{M1}Tribunals and Inquiries Act [^{F1}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 [^{F1} 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 [^{F2}the Department for Levelling Up, Housing and Communities]^{F3}... 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 ^{M2}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; ^{F4}...
- ^{F4}(b)
- [^{F5}(3) Where an appointed person is a member of the staff of the Welsh Government, the functions of determining an appeal and doing anything in connection with it conferred on the person by this Schedule are to be treated for the purposes of the Public Services Ombudsman (Wales) Act 2005 [^{F6}and the Public Services Ombudsman (Wales) Act 2019] as functions of the Welsh Government.]

Textual Amendments

- F1** Words in Sch. 3 para. 7(1) substituted (1.10.1992) by [Tribunals and Inquiries Act 1992 \(c. 53, SIF 123:1\)](#), ss. 18(1), 19(2), [Sch. 3 para. 32\(a\)\(b\)](#)
- F2** Words in Sch. 3 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. 7](#) (with art. 12)
- F3** Words in Sch. 3 para. 7(2) omitted (21.5.2016) by virtue of [Historic Environment \(Wales\) Act 2016 \(anaw 4\)](#), [ss. 33\(1\)\(a\)](#), 41(2)
- F4** Sch. 3 para. 7(2)(b) and word omitted (21.5.2016) by virtue of [Historic Environment \(Wales\) Act 2016 \(anaw 4\)](#), [ss. 33\(1\)\(b\)](#), 41(2)

Changes to legislation: Planning (Listed Buildings and Conservation Areas) Act 1990, Paragraph 7 is up to date with all changes known to be in force on or before 18 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](#)

F5 Sch. 3 para. 7(3) inserted (21.5.2016) by [Historic Environment \(Wales\) Act 2016 \(anaw 4\)](#), **ss. 33(2), 41(2)**

F6 Words in Sch. 3 para. 7(3) inserted (23.7.2019) by [Public Services Ombudsman \(Wales\) Act 2019 \(anaw 3\)](#), s. 77(1), **Sch. 5 para. 14**; S.I. 2019/1096, reg. 2

Modifications etc. (not altering text)

C1 Sch. 3 para. 7(2)(b) modified (1.7.1999) by [S.I. 1999/672](#), art. 2, **Sch.**

Marginal Citations

M1 1971 c.62.

M2 1967 c.13.

Changes to legislation:

Planning (Listed Buildings and Conservation Areas) Act 1990, Paragraph 7 is up to date with all changes known to be in force on or before 18 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 :

- Sch. 3 para. 7(3) omitted by [2023 asc 3 Sch. 13 para. 159\(d\)](#)

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\(6\)](#)