



Planning (Listed Buildings and Conservation Areas) Act 1990

1990 CHAPTER 9

PART III

GENERAL

Miscellaneous provisions

90 Financial provisions.

(1) Where—

- (a) 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
- (b) 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 [F128] 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 to be expedient to do so, require any other local authority to contribute towards those

Changes to legislation: Planning (Listed Buildings and Conservation Areas) Act 1990, Section 90 is up to date with all changes known to be in force on or before 24 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

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) [^{F2}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) ^{F3} . . .), 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 [^{F4}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

- F1** 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](#)
- F2** “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))
- F3** 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](#)
- F4** 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)

- C1** [S. 90](#) applied (1.1.2022) by [The Listed Buildings \(Heritage Partnership Agreements\) \(Wales\) Regulations 2021 \(S.I. 2021/1177\)](#), reg. 1, [Sch.](#)
- C2** [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](#))

Changes to legislation: *Planning (Listed Buildings and Conservation Areas) Act 1990, Section 90 is up to date with all changes known to be in force on or before 24 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*

- C3** 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))
- C4** S. 90(2)-(4) applied (with modifications) by [S.I. 1990/1519](#), reg. 12, **Sch. 3**
- C5** 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, Section 90 is up to date with all changes known to be in force on or before 24 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. 90(5) words inserted by [2023 asc 3 Sch. 13 para. 153](#)

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\(6\)](#)