



Planning (Listed Buildings and Conservation Areas) Act 1990

1990 CHAPTER 9

PART IV

SUPPLEMENTAL

91 Interpretation.

(1) In this Act, except in so far as the context otherwise requires—

[^{F1} “address”, in relation to electronic communications, means any number or address used for the purpose of such communications;]

“building preservation notice” has the meaning given in [^{F2}sections 3(1) and 3A(1)];

“the Commission” means the Historic Buildings and Monuments Commission for England;

“conservation area” means an area for the time being designated under section 69;

“conservation area consent” has the meaning given in section 74(1);

[^{F3} “electronic communication” has the same meaning as in the Electronic Communications Act 2000;]

[^{F4}“interim protection” has the meaning given in section 2B(3);]

“listed building” has the meaning given in section 1(5);

“listed building consent” has the meaning given in section 8(7);

“listed building enforcement notice” has the meaning given in section 38(1);

“listed building purchase notice” has the meaning given in section 32(1);

“local planning authority” shall be construed in accordance with section 81;

“prescribed”, except in relation to matters expressly required or authorised by this Act to be prescribed in some other way, means prescribed by regulations under this Act;

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“the principal Act” means the ^{M1}Town and Country Planning Act 1990;
 “town scheme agreement” has the meaning given in section 79.

(2) Subject to subsections (6) and (7) and except in so far as the context otherwise requires, the following expressions have the same meaning as in the principal Act—

“the 1962 Act”
 “acquiring authority”
 “the Broads”
 “building”
 “compulsory acquisition”
 “development”
 “development order”
^{F5}
 . . .
 “disposal”
 “enactment”
 “functions”
 “government department”
 “joint planning board”
 “land”
 “lease”
 “local authority”
 “London borough”
 “minerals”
 “Minister”
^{F6}
 . . .
 “owner”
 [^{F7}“permission in principle”]
 “the planning Acts”
 “planning permission”
 “public gas supplier”
 “use”
 “Valuation Office”,

but this subsection does not affect the meaning of “owner” in section 11 [^{F8}, 26L or 26M].

(3) In this Act “statutory undertakers” has the same meaning as in the principal Act except that—

- (a) in sections 33 to 36 it shall be deemed to include references to a [^{F9}an electronic communications code operator and to a former PTO];
- (b) in sections 33 to 36, 51(2)(a) and 90(2) it shall be deemed to include the [^{F10}a universal service provider in connection with the provision of a universal postal service], the Civil Aviation Authority, [^{F11}a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (to the extent that the person is carrying out activities authorised by the licence),] a public gas supplier, a holder of a licence under section 6 of the ^{M2}Electricity Act 1989, [^{F12}the Environment Agency, the Natural Resources Body for Wales and every water or sewerage undertaker.]

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- [^{F13}(3A) The undertaking of a universal service provider so far as relating to the provision of a universal postal service shall be taken to be his statutory undertaking for the purposes of this Act; and references in this Act to his undertaking shall be construed accordingly.
- (3B) In subsections (3) and (3A) “universal service provider” has the same meaning as in [^{F14}Part 3 of the Postal Services Act 2011]; and the references to the provision of a universal postal service shall be construed in accordance with [^{F15}that Part].]
- (4) References in the planning Acts to any of the provisions mentioned in section 82 include, except where the context otherwise requires, references to those provisions as modified under that section.
- (5) Words in this Act importing a reference to service of a notice to treat shall be construed as including a reference to the constructive service of such a notice which, by virtue of any enactment, is to be deemed to be served.
- [^{F16}(5A) Where—
- (a) an electronic communication is used for the purpose of serving or giving a notice or other document on or to any person for the purposes of this Act, and
 - (b) the communication is received by that person outside that person’s business hours,
- it shall be taken to have been received on the next working day; and in this subsection “working day” means a day which is not a Saturday, Sunday, Bank Holiday or other public holiday.]
- (6) In sections 33 to 36, 53(1) 54, 55 and 88(3) “local authority”, in relation to a building or land in the Broads, includes the Broads Authority.
- (7) For the purposes of subsection (1)(b) of section 57 and subsection (2) of that section as it applies for the purposes of that subsection the definition of “building” in the principal Act shall apply with the omission of the words “but does not include any plant or machinery comprised in a building”.

Textual Amendments

- F1** S. 91(1): definition of “address” inserted for E. (31.3.2003) by [The Town and Country Planning \(Electronic Communications\) \(England\) Order 2003 \(S.I. 2003/956\)](#), arts. 1(1), 9(2); and that same definition inserted for W. (1.1.2005) by [The Town and Country Planning \(Electronic Communications\) \(Wales\) \(No. 1\) Order 2004 \(S.I. 2004/3156\)](#), **art. 9(2)** (with art. 14)
- F2** Words in s. 91(1) substituted (31.5.2017) by [Historic Environment \(Wales\) Act 2016 \(anaw 4\)](#), **ss. 26(14)(a)**, 41(3); S.I. 2017/633, art. 4(c) (with art. 6(3))
- F3** S. 91(1): definition of “electronic communication” inserted for E. (31.3.2003) by [The Town and Country Planning \(Electronic Communications\) \(England\) Order 2003 \(S.I. 2003/956\)](#), arts. 1(1), 9(2); and that same definition inserted for W. (1.1.2005) by [The Town and Country Planning \(Electronic Communications\) \(Wales\) \(No. 1\) Order 2004 \(S.I. 2004/3156\)](#), **art. 9(2)** (with art. 14)
- F4** Words in s. 91(1) inserted (31.5.2017) by [Historic Environment \(Wales\) Act 2016 \(anaw 4\)](#), **ss. 26(14)(b)**, 41(3); S.I. 2017/633, art. 4(c) (with art. 6(2))
- F5** Words in s. 91(2) repealed (28.9.2004) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 120, 121(1), **Sch. 9** (with s. 111); S.I. 2004/2202, art. 3(d)(f), **Sch. 1 Pt. 2**; (and see also Sch. 6 para. 25 of the repealing Act; S.I. 2005/2847, **art. 2(e)**)
- F6** Words in s. 91(2) repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), **ss. 31(4)**, 84(6), Schs. 6 Pt. II para. 48, 19 Pt. I; S.I. 1991/2067, **art. 3**

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- F7** Words in s. 91(2) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 43**; S.I. 2016/733, reg. 3(d)
- F8** Words in s. 91(2) inserted (21.3.2016 for specified purposes, 1.1.2022 in so far as not already in force) by Historic Environment (Wales) Act 2016 (anaw 4), **ss. 28(2)**, 41(1)(c)(3); S.I. 2021/1059, art. 2(b)
- F9** Words in s. 91(3)(a) substituted (25.7.2003 for specified purposes and 29.12.2003 for further specified purposes) by Communications Act 2003 (c. 21), ss. 406(1), 411(2), **Sch. 17 para. 106(3)** (with Sch. 18); S.I. 2003/1900, **art. 2(1)**, Sch. 1 (with arts. 3-6); S.I. 2003/3142, **art. 3(2)** (with art. 11)
- F10** Words in s. 91(3)(b) substituted (26.3.2001) by S.I. 2001/1149, art. 3(1), **Sch. 1 para. 84(3)**
- F11** Words in s. 91(3) inserted (1.4.2001) by 2000 c. 38, s. 37, **Sch. 5 para. 8** (with s. 106); S.I. 2001/869, **art. 2**
- F12** Words in s. 91(3)(b) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), **Sch. 2 para. 205** (with Sch. 7)
- F13** S. 91(3A)(3B) inserted (26.3.2001) by S.I. 2001/1149, art. 3(1), **Sch. 1 para. 84(3)**
- F14** Words in s. 91(3B) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), ss. 91(1), 93(3), **Sch. 12 para. 133(a)**; S.I. 2011/2329, **art. 3(1)**
- F15** Words in s. 91(3B) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), ss. 91(1), 93(3), **Sch. 12 para. 133(b)**; S.I. 2011/2329, **art. 3(1)**
- F16** S. 91(5A) inserted for E. (31.3.2003) by The Town and Country Planning (Electronic Communications) (England) Order 2003 (S.I. 2003/956), arts. 1(1), 9(3); and that same subsection inserted for W. (1.1.2005) by The Town and Country Planning (Electronic Communications) (Wales) (No. 1) Order 2004 (S.I. 2004/3156), **art. 9(3)** (with art. 14)

Modifications etc. (not altering text)

- C1** S. 91 extended (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 2(2)(j)**; S.I. 1996/218, **art. 2**
- C2** S. 91 applied (with modifications) (7.6.2004) by The Milton Keynes (Urban Area and Planning Functions) Order 2004 (S.I. 2004/932), art. 5, **Sch. para. 14**
- C3** S. 91(2): power to apply (with modifications) conferred by Local Government, Planning and Land Act 1980 (c. 65, SIF 123:1), s. 149(3)(b), **Sch. 29 Pt. II para. 14** as inserted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 44(13)**
S. 91(2) applied (with modifications) by S.I. 1993/1075, **art. 4**.
- C4** S. 91(2) applied (with modifications) (12.10.2005) by The Thurrock Development Corporation (Planning Functions) Order 2005 (S.I. 2005/2572), **art. 5**
- C5** S. 91(2) applied (with modifications) (31.10.2005) by The London Thames Gateway Development Corporation (Planning Functions) Order 2005 (S.I. 2005/2721), **art. 6**
- C6** S. 91(2) applied (with modifications) (7.9.2006) by The Olympic Delivery Authority (Planning Functions) Order 2006 (S.I. 2006/2185), **art. 6**
- C7** S. 91(2) applied (with modifications) (1.6.2023) by The Middlesbrough Development Corporation (Functions) Order 2023 (S.I. 2023/447), arts. 1(3), **6** (with art. 5, Sch. 1)
- C8** S. 91(2) applied (with modifications) (1.6.2023) by The Hartlepool Development Corporation (Functions) Order 2023 (S.I. 2023/446), arts. 1(3), **6** (with art. 5, Sch. 1)

Marginal Citations

- M1** 1990 c. 8.
M2 1989 c. 29.

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Changes and effects yet to be applied to :

- s. 91(1) words omitted by 2023 asc 3 Sch. 13 para. 154(a)(ii)
- s. 91(1) words substituted by 2023 asc 3 Sch. 13 para. 154(a)(i)
- s. 91(2) words omitted by 2023 asc 3 Sch. 13 para. 154(b)

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)