



Planning and Compensation Act 1991

1991 CHAPTER 34

PART I

TOWN AND COUNTRY PLANNING: ENGLAND AND WALES

Miscellaneous

29 Functions of Historic Buildings and Monuments Commission.

- (1) In section 33 of the ^{M1}National Heritage Act 1983 (general functions of Commission) after subsection (2) there is inserted—

“(2A) In relation to England, the Commission may—

- (a) prosecute any offence under Part I of the ^{M2}Ancient Monuments and Archaeological Areas Act 1979 or under the ^{M3}Planning (Listed Buildings and Conservation Areas) Act 1990, or
- (b) institute in their own name proceedings for an injunction to restrain any contravention of any provision of that Part or of that Act of 1990.”

- (2) In section 89 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (application of general provisions of principal Act, including power under section 330 to require information) after subsection (2) there is inserted—

“(3) In the application of section 330 by virtue of this section, references to a local authority include the Commission.”

Commencement Information

- II** S. 29 wholly in force at 25.09.1991 see s. 84(2)(3) and S.I. 1991/2067, art. 3.

Marginal Citations

- M1** 1983 c. 47.
M2 1979 c. 46.

Changes to legislation: There are currently no known outstanding effects for the Planning and Compensation Act 1991, Cross Heading: Miscellaneous. (See end of Document for details)

M3 1990 c. 9.

30 Orders as to costs where inquiry or hearing does not take place.

(1) After section 322 of the principal Act there is inserted—

“322A Orders as to costs: supplementary.

(1) This section applies where—

- (a) for the purposes of any proceedings under this Act—
 - (i) the Secretary of State is required, before a decision is reached, to give any person an opportunity, or ask any person whether he wishes, to appear before and be heard by a person appointed by him; and
 - (ii) arrangements are made for a local inquiry or hearing to be held;
- (b) the inquiry or hearing does not take place; and
- (c) if it had taken place, the Secretary of State or a person appointed by him would have had power to make an order under section 250(5) of the ^{M4}Local Government Act 1972 requiring any party to pay any costs of any other party.

(2) Where this section applies the power to make such an order may be exercised, in relation to costs incurred for the purposes of the inquiry or hearing, as if it had taken place.”

(2) In section 89(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and section 37(2) of the ^{M5}Planning (Hazardous Substances) Act 1990 (application of provisions of the principal Act) before “323” there is inserted “ 322A (orders as to costs: supplementary) ”.

Commencement Information

I2 S. 30 partly in force; s. 30 in force for certain purposes at 02.01.1992 see s. 84(2)(3) and S.I. 1991/2728, arts. 3, 4.

Marginal Citations

M4 1972 c. 70.

M5 1990 c. 10.

31 Planning compensation repeals.

- (1) Part V of the principal Act (compensation for restrictions on new development where land has an unexpended balance of development value) and Schedule 12 to that Act (unexpended balance of development value) are repealed.
- (2) Section 114 of that Act (compensation for planning decisions restricting development other than new development) is repealed.
- (3) Section 27 of the ^{M6}Planning (Listed Buildings and Conservation Areas) Act 1990 (compensation for refusal of consent to alteration, etc. of listed building) is repealed.

Changes to legislation: There are currently no known outstanding effects for the Planning and Compensation Act 1991, Cross Heading: Miscellaneous. (See end of Document for details)

- (4) Schedule 6 to this Act (compensation repeals: minor and consequential amendments) shall have effect.
- (5) Subsection (1) above shall have effect in relation to any compensation under Part V of the principal Act unless a claim for the compensation has been made in accordance with section 127 of that Act before the repeal of that section comes into force.
- (6) Any amount recoverable under section 133 of that Act which has not been paid, including any interest on any such amount, shall cease to be recoverable and any mortgage, covenant or other obligation by which the payment of any such amount, or interest on it, is secured is discharged.
- (7) The repeal of section 114 of that Act shall have effect, or be treated as having had effect, where the application for planning permission was made on or after 16th November 1990.
- (8) The repeal of section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990 shall have effect, or be treated as having had effect, where the application for listed building consent was made on or after 16th November 1990.

Commencement Information

I3 [S. 31](#) wholly in force; [s. 31](#) partly in force at 25.7.1991, see [s. 84\(2\)\(3\)](#) and wholly in force so far as not already in force at 25.9.1991 by [S.I. 1991/2067](#), [art.3](#).

Marginal Citations

M6 1990. c. 9.

32 Planning: minor and consequential amendments.

Schedule 7 to this Act (which makes minor and consequential amendments of the enactments relating to planning) shall have effect.

Commencement Information

I4 [S. 32](#) wholly in force; [s. 32](#) not in force at Royal Assent see [s. 84\(2\)](#); [s. 32](#) in force in so far as it relates to specified provisions in Sch. 7 as follows: at 25.9.1991 by [S.I. 1991/2067](#), [arts. 3, 4](#); at 25.10.1991 by [S.I. 1991/2272](#), [art. 3\(1\)\(c\)](#); at 25.11.1991 for certain purposes by [S.I. 1991/2728](#), [art. 2](#); at 2.1.1992 and at 10.2.1992 by [S.I. 1991/2905](#), [arts. 3, 4, 5](#); at 6.4.1992 by [S.I. 1992/665](#), [art. 2](#); at 27.7.1992 by [S.I. 1992/1279](#), [art. 2](#) and by [S.I. 1992/1630](#), [art. 2](#), [Sch. 1](#); at 9.11.1992 by [S.I. 1992/2831](#), [arts. 2, 3](#).

Changes to legislation:

There are currently no known outstanding effects for the Planning and Compensation Act 1991,
Cross Heading: Miscellaneous.