



# Town and Country Planning Act 1990

## 1990 CHAPTER 8

### PART XII **E+W**

#### VALIDITY

##### Modifications etc. (not altering text)

**C1** Pt. 12 modified (E.) (24.8.2011) by [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2011 \(S.I. 2011/1824\)](#), regs. 1(1), **48(1)**, 59

#### **284** **Validity of development plans and certain orders, decisions and directions.** **E** **+W**

(1) Except in so far as may be provided by this Part, the validity of—

- (a) <sup>F1</sup> .....
- (b) a simplified planning zone scheme or an alteration of such a scheme, whether before or after the adoption or approval of the scheme or alteration; or
- (c) an order under any provision of Part X except section 251(1), whether before or after the order has been made; or
- (d) an order under section 277, whether before or after the order has been made; or
- (e) any such order as is mentioned in subsection (2), whether before or after it has been confirmed; or
- (f) any such action on the part of the Secretary of State [<sup>F2</sup>or the Welsh Ministers] as is mentioned in subsection (3), [<sup>F3</sup>or—
- (g) a relevant costs order made in connection with an order mentioned in subsection (2) or an action mentioned in subsection (3),]

shall not be questioned in any legal proceedings whatsoever.

(2) The orders referred to in subsection (1)(e) are—

- (a) any order under section 97 or under the provisions of that section as applied by or under any other provision of this Act;
- (b) any order under section 102;

*Status: Point in time view as at 13/07/2016.*

**Changes to legislation:** *Town and Country Planning Act 1990, Part XII is up to date with all changes known to be in force on or before 06 August 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)*

- (c) any tree preservation order;
  - (d) any order made in pursuance of section 221(5);
  - (e) any order under paragraph 1, 3, 5 or 6 of Schedule 9.
- (3) The action referred to in subsection (1)(f) is action on the part of the Secretary of State [<sup>F4</sup>or the Welsh Ministers] of any of the following descriptions—
- [<sup>F5</sup>(ya) any decision on an application made to the Secretary of State under section 62A;]
  - [<sup>F6</sup>(za) any decision on an application referred to the Secretary of State under section 76A;]
  - (a) any decision on an application [<sup>F7</sup>for planning permission] referred to [<sup>F8</sup>him][<sup>F8</sup>the Secretary of State or the Welsh Ministers] under section 77;
  - [<sup>F9</sup>(aa) any decision on an application made to the Welsh Ministers under section 62D;
  - (ab) any decision on a secondary consent dealt with by the Welsh Ministers under section 62F, unless, by virtue of an enactment not contained in this Act—
    - (i) an appeal against that decision may be made to a person other than the Welsh Ministers, or
    - (ii) the validity of the decision may otherwise be questioned by way of application to a person other than the Welsh Ministers;
  - (ac) any decision on an application made to the Welsh Ministers under section 62M or section 62O (not including a decision to refer an application under section 62O(5));]
  - (b) any decision on an appeal under section 78;
  - [<sup>F10</sup>(c) . . . . .
  - (d) any decision to confirm a completion notice under section 95;
  - (e) any decision to grant planning permission under paragraph (a) of section 177(1) or to discharge a condition or limitation under paragraph (b) of that section;
  - (f) any decision to confirm or not to confirm a purchase notice including—
    - (i) any decision not to confirm such a notice in respect of part of the land to which it relates, or
    - (ii) any decision to grant any permission, or give any direction, instead of confirming such a notice, either wholly or in part;
  - (g) any decision [<sup>F11</sup>. . . on an appeal under section 195(1);
  - (h) any decision relating—
    - (i) to an application for consent under [<sup>F12</sup>a tree preservation order][<sup>F12</sup>tree preservation regulations],
    - (ii) to an application for consent under any regulations made in accordance with section 220 or 221, or
    - (iii) to any certificate or direction under any such order or regulations,
 whether it is a decision on appeal or a decision on an application referred to the Secretary of State [<sup>F13</sup>or the Welsh Ministers] for determination in the first instance.
  - [<sup>F14</sup>(i) any decision on an application for planning permission [<sup>F15</sup>or permission in principle] under section 293A.]

*Status: Point in time view as at 13/07/2016.*

*Changes to legislation: Town and Country Planning Act 1990, Part XII is up to date with all changes known to be in force on or before 06 August 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)*

[<sup>F16</sup>(3A) In this section, “relevant costs order” means an order made under section 250(5) of the Local Government Act 1972 (orders as to costs of parties), as applied by virtue of any provision of this Act.]

(4) Nothing in this section shall affect the exercise of any jurisdiction of any court in respect of any refusal or failure on the part of the Secretary of State [<sup>F17</sup>or the Welsh Ministers] to take any such action as is mentioned in subsection (3).

#### Textual Amendments

- F1** S. 284(1)(a) repealed (28.9.2004 (E.), 15.10.2005 (W.)) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 118, 120, 121, [Sch. 6 para. 8](#), [Sch. 9](#) (with s. 111); S.I. 2004/2202, [art. 2](#), [Sch. 1](#) (subject to transitional provisions and savings in [art. 4](#)); S.I. 2005/2847, [art. 2](#), [Sch. 1](#) (subject to transitional provisions and savings in [art. 3](#))
- F2** Words in s. 284(1)(f) inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), [Sch. 4 para. 15\(2\)](#); S.I. 2016/52, [art. 3\(e\)](#)
- F3** S. 284(1)(g) and word inserted (26.10.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 16 para. 2\(a\)](#); S.I. 2015/1778, [art. 3\(b\)\(ii\)](#) (with [art. 4\(a\)](#))
- F4** Words in s. 284(3) inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), [Sch. 4 para. 15\(3\)\(a\)](#); S.I. 2016/52, [art. 3\(e\)](#)
- F5** S. 284(3)(ya) inserted (9.5.2013 for E. for specified purposes, 1.10.2013 for specified purposes, 1.10.2014 in so far as not already in force) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), s. 35(1), [Sch. 1 para. 9](#); S.I. 2013/1124, [art. 2](#); S.I. 2013/2143, [art. 2\(1\)\(a\)](#); S.I. 2014/1531, [art. 2](#)
- F6** S. 284(3)(za) inserted (6.4.2009) by [Planning Act 2008 \(c. 29\)](#), [ss. 191\(2\)](#), 241 (with s. 226); S.I. 2009/400, [art. 3](#) (with [art. 6](#))
- F7** Words in s. 284(3)(a) repealed (6.4.2009 for E. and otherwise prosp.) by [Planning Act 2008 \(c. 29\)](#), [ss. 191\(3\)](#), 238, 241, [Sch. 13](#) (with s. 226); S.I. 2009/400, [art. 5](#), [Sch. Pt. 2](#)
- F8** Words in s. 284(3)(a) substituted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), [Sch. 4 para. 15\(3\)\(b\)](#); S.I. 2016/52, [art. 3\(e\)](#)
- F9** S. 284(3)(aa)-(ac) inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), [Sch. 4 para. 15\(3\)\(c\)](#); S.I. 2016/52, [art. 3\(e\)](#)
- F10** S. 284(3)(c) repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31, 84(6), [Sch. 6 para. 24](#), [Sch. 19 Pt. II](#) (with s. 84(5)); S.I. 1991/2067, [art. 3](#) (subject to [art. 4](#))
- F11** Words in s. 284(3)(g) repealed (27.7.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 32, 84(6), [Sch. 7 para. 41](#), [Sch. 19 Pt. I](#) (with s. 84(5)); S.I. 1992/1630, [art. 2](#), [Schs. 1, 2](#) (with [art. 3\(1\)](#))
- F12** Words in s. 284(3)(h)(i) substituted (6.4.2012 for E.) by [Planning Act 2008 \(c. 29\)](#), s. 241(3)(4), [Sch. 8 para. 17](#) (with s. 226); S.I. 2012/601, [art. 2\(a\)](#)
- F13** Words in s. 284(3)(h) inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), [Sch. 4 para. 15\(3\)\(d\)](#); S.I. 2016/52, [art. 3\(e\)](#)
- F14** S. 284(3)(i) inserted (6.8.2004 for certain purposes, 7.6.2006 otherwise) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), [ss. 82\(2\)](#), 121 (with s. 111); S.I. 2004/ 2097, {[art. 2](#)}; S.I. 2006/1281, [art. 2](#)
- F15** Words in s. 284(3)(i) inserted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 12 para. 31](#); S.I. 2016/733, [reg. 3\(d\)](#)
- F16** S. 284(3A) inserted (26.10.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 16 para. 2\(b\)](#); S.I. 2015/1778, [art. 3\(b\)\(ii\)](#) (with [art. 4\(a\)](#))
- F17** Words in s. 284(4) inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), [Sch. 4 para. 15\(4\)](#); S.I. 2016/52, [art. 3\(e\)](#)

#### Modifications etc. (not altering text)

- C2** S. 284 extended (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 22, [Sch. 2 para. 9](#) (3) (with s. 84(5)); S.I. 1991/2067, [art. 3](#) (subject to [art. 4](#))

*Status: Point in time view as at 13/07/2016.*

**Changes to legislation:** *Town and Country Planning Act 1990, Part XII is up to date with all changes known to be in force on or before 06 August 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)*

<p>Ss. 284-288 modified (1.11.1995) by 1995 c. 25, s. 96, <b>Sch. 13 para. 16(4)</b> (with ss. 7(6), 115, 117); <b>S.I. 1995/2765, art. 2</b></p> <p>Ss. 284-288 modified (1.11.1995) by 1995 c. 25, s. 96, <b>Sch. 14 para. 9(4)</b> (with ss. 7(6), 115, 117); <b>S.I. 1995/2765, art. 2</b></p> <p><b>C3</b> Ss. 284, 288 modified (W.) (8.1.2010) by <b>The Town and Country Planning (Environmental Impact Assessment) (Undetermined Reviews of Old Mineral Permissions) (Wales) Regulations 2009 (S.I. 2009/3342), reg. 54(2)</b></p>
---

**285 Validity of enforcement notices and similar notices. E+W**

- (1)<sup>F18</sup> . . . The validity of an enforcement notice shall not, except by way of an appeal under Part VII, be questioned in any proceedings whatsoever on any of the grounds on which such an appeal may be brought.
- (2) Subsection (1) shall not apply to proceedings brought under section 179<sup>F18</sup> . . . against a person who—
  - (a) has held an interest in the land since before the enforcement notice was issued under that Part;
  - (b) did not have a copy of the enforcement notice served on him under that Part; and
  - (c) satisfies the court—
    - (i) that he did not know and could not reasonably have been expected to know that the enforcement notice had been issued; and
    - (ii) that his interests have been substantially prejudiced by the failure to serve him with a copy of it.
- (3) Subject to subsection (4), the validity of a notice which has been served under section 215 on the owner and occupier of the land shall not, except by way of an appeal under Chapter II of Part VIII, be questioned in any proceedings whatsoever on either of the grounds specified in section 217(1)(a) or (b).
- (4) Subsection (3) shall not prevent the validity of such a notice being questioned on either of those grounds in proceedings brought under section 216 against a person on whom the notice was not served, but who has held an interest in the land since before the notice was served on the owner and occupier of the land, if he did not appeal against the notice under that Chapter.

<sup>F19</sup>(5) . . . . .

<sup>F19</sup>(6) . . . . .

**Textual Amendments**

**F18** Words in s. 285(1)(2) repealed (2.1.1992) by **Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 32, 84(6), Sch. 7 para. 42(a)(b), Sch. 19 Pt. I** (with s. 84(5)); **S.I. 1991/2905, art. 3, Sch.1** (subject to art. 5)

**F19** S. 285(5)(6) repealed (2.1.1992) by **Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 32, 84(6), Sch. 7 para. 42(c), Sch. 19 Pt. I** (with s. 84(5)); **S.I. 1991/2905, art. 3, Sch.1** (subject to art. 5)

**Modifications etc. (not altering text)**

**C4** S. 285: power to modify conferred (11.3.1992 so far as to confer on the Secretary of State a power to impose on him a duty to make regulations, or make provision with respect to the exercise of any such

*Status: Point in time view as at 13/07/2016.*

*Changes to legislation: Town and Country Planning Act 1990, Part XII is up to date with all changes known to be in force on or before 06 August 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)*

	power or duty, 1.6.1992 so far as not already in force) by Planning (Hazardous Substances) Act 1990 (c. 10, SIF 123:1), s. 25(1)(b); S.I. 1992/725, arts. 2, 3
C5	S. 285 applied (with modifications) (1.6.1992) by S.I. 1992/656, reg. 22(1), Sch. 4 Pt. 4 Ss. 284-288 modified (1.11.1995) by 1995 c. 25, s. 96, Sch. 13 para. 16(4) (with ss. 7(6), 115, 117); S.I. 1995/2765, art. 2 Ss. 284-288 modified (1.11.1995) by 1995 c. 25, s. 96, Sch. 14 para. 9(4) (with ss. 7(6), 115, 117); S.I. 1995/2765, art. 2
C6	S. 285 applied (with modifications) (E.) (1.6.2015) by The Planning (Hazardous Substances) Regulations 2015 (S.I. 2015/627), regs. 1(1), 19(1), Sch. 4 Pt. 4 (with reg. 34)
C7	S. 285 applied (with modifications) (W.) (4.9.2015) by The Planning (Hazardous Substances) (Wales) Regulations 2015 (S.I. 2015/1597), regs. 1(1), 20(1), Sch. 4 Pt. 3 (with reg. 36)
C8	S. 285(1)(2) applied (with modifications) (27.7.1992) by S.I. 1992/1562, reg. 2, Sch.
C9	S. 285(2) modified by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 5, Sch. 3 para. 10(1); amended by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 5, Sch. 3 para. 10(5)

## 286 Challenges to validity on ground of authority's powers. **E+W**

(1) The validity of any permission, determination or certificate granted, made or issued or purporting to have been granted, made or issued by a local planning authority in respect of—

- (a) an application for planning permission [<sup>F20</sup>or permission in principle];
- <sup>F21</sup>(aa) an application for non-material changes to planning permission under section 96A;]
- <sup>F22</sup>(b) .....
- (c) an application for <sup>F23</sup>[<sup>F24</sup>a certificate under section 191 or 192];
- (d) an application for consent to the display of advertisements under section 220; or
- (e) a determination under section 302 or Schedule 15,

shall not be called in question in any legal proceedings, or in any proceedings under this Act which are not legal proceedings, on the ground that the permission, determination or certificate should have been granted, made or given by some other local planning authority.

(2) The validity of any order under section 97 revoking or modifying planning permission [<sup>F25</sup>or permission in principle], any order under section 102 or paragraph 1 of Schedule 9 requiring discontinuance of use, or imposing conditions on continuance of use, or requiring the alteration or removal of buildings or works, or any enforcement notice under section 172 or stop notice under section 183 [or a breach of condition notice under section 187A], being an order or notice purporting to have been made, issued or served by a local planning authority, shall not be called in question in any such proceedings on the ground—

- (a) in the case of an order or notice purporting to have been made, issued or served by a district planning authority, that they failed to comply with paragraph 11(2) of Schedule 1;
- (b) in the case of an order or notice purporting to have been made, issued or served by a county planning authority, that they had no power to make, issue or serve it because it did not relate to a county matter within the meaning of that Schedule.

*Status: Point in time view as at 13/07/2016.*

*Changes to legislation: Town and Country Planning Act 1990, Part XII is up to date with all changes known to be in force on or before 06 August 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)*

### Textual Amendments

- F20** Words in s. 286(1)(a) inserted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 12 para. 32](#); S.I. 2016/733, reg. 3(d)
- F21** S. 286(1)(aa) inserted (1.10.2009) by [Planning Act 2008 \(c. 29\)](#), [ss. 190\(5\)](#), 241 (with s. 226); S.I. 2009/2260, [art. 3](#)
- F22** S. 286(1)(b) repealed (27.7.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 32, 84(6), [Sch. 7 para. 43\(a\)](#), [Sch. 19 Pt. I](#) (with s. 84(5)); S.I. 1992/1630, art. 2, Schs. 1, 2 (with art. 3(1))
- F23** Words in s. 286(1)(c) substituted (27.7.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, [Sch. 7 para. 43\(a\)](#) (with s. 84(5)); S.I. 1992/1630, art. 2, [Sch. 1](#) (with art. 3(1))
- F24** Words in s. 286(2) inserted (27.7.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, [Sch. 7 para. 43\(b\)](#) (with s. 84(5)); S.I. 1992/1630, art. 2, [Sch. 1](#) (with art. 3(1))
- F25** Words in s. 286(2) inserted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 12 para. 32](#); S.I. 2016/733, reg. 3(d)

### Modifications etc. (not altering text)

- C10** Ss. 284-288 modified (1.11.1995) by [1995 c. 25](#), s. 96, [Sch. 13 para. 16\(4\)](#) (with ss. 7(6), 115, 117); S.I. 1995/2765, [art. 2](#)
- Ss. 284-288 modified (1.11.1995) by [1995 c. 25](#), s. 96, [Sch. 14 para. 9\(4\)](#) (with ss. 7(6), 115, 117); S.I. 1995/2765, [art. 2](#)

## 287 Proceedings for questioning validity of development plans and certain schemes and orders. **E+W**

[<sup>F26</sup>(1) This section applies to—

- (a) a simplified planning zone scheme or an alteration of such a scheme;
- (b) an order under section 247, 248, 249, 251, 257, 258 or 277,

and anything falling within paragraphs (a) and (b) is referred to in this section as a relevant document.

(2) A person aggrieved by a relevant document may make an application to the High Court on the ground that—

- (a) it is not within the appropriate power, or
- (b) a procedural requirement has not been complied with.

[<sup>F27</sup>(2A) An application under this section may not be made without the leave of the High Court.

(2B) An application for leave for the purposes of subsection (2A) must be made before the end of the period of six weeks beginning with the day after the relevant date.]

(3) The High Court may make an interim order suspending the operation of the relevant document—

- (a) wholly or in part;
- (b) generally or as it affects the property of the applicant.

[<sup>F28</sup>(3ZA) An interim order has effect—

- (a) if made on an application for leave, until the final determination of—
  - (i) the question of whether leave should be granted, or
  - (ii) where leave is granted, the proceedings on any application under this section made with such leave;
- (b) in any other case, until the proceedings are finally determined.]

*Status: Point in time view as at 13/07/2016.*

*Changes to legislation: Town and Country Planning Act 1990, Part XII is up to date with all changes known to be in force on or before 06 August 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)*

- (3A) Subsection (3B) applies if the High Court is satisfied—
- (a) that a relevant document is to any extent outside the appropriate power;
  - (b) that the interests of the applicant have been substantially prejudiced by a failure to comply with a procedural requirement.

- (3B) The High Court may quash the relevant document—
- (a) wholly or in part;
  - (b) generally or as it affects the property of the applicant.

<sup>F29</sup>(3C) . . . . .

- (3D) The appropriate power is—
- (a) in the case of a simplified planning zone scheme or an alteration of the scheme, Part III;
  - (b) in the case of an order under section 247, 248, 249, 251, 257, 258 or 277, the section under which the order is made.]

<sup>F29</sup>(4) . . . . .

- (5) For the purposes of [<sup>F30</sup>subsection (2B)] the relevant date is—
- (a) <sup>F31</sup> . . . . .
  - (b) in the case of an application <sup>F32</sup> . . . in respect of a simplified planning zone scheme or an alteration of such a scheme, the date of the publication of the first notice of the approval or adoption of the scheme or alteration required by regulations under paragraph 13 of Schedule 7,
  - (c) in the case of an application <sup>F32</sup> . . . in respect of an order under section 247, 248, 249, or 251, the date on which the notice required by section 252(10) is first published,
  - (d) in the case of an application <sup>F32</sup> . . . in respect of an order under section 257 or 258, the date on which the notice required by paragraph 7 of Schedule 14 is first published in accordance with that paragraph,
  - (e) in the case of an application <sup>F32</sup> . . . in respect of an order under section 277, the date on which the notice required by subsection (6) of that section is first published;

but subject, in the case of those orders mentioned in paragraphs (c) and (e) to which section 292 applies, to that section.

[<sup>F33</sup>(5A) References in this Act to an application under this section do not include an application for leave for the purposes of subsection (2A).]

(6) <sup>F34</sup> . . . . .

#### Textual Amendments

- F26** S. 287(1)-(3D) substituted for s. 287(1)-(3) (28.9.2004 for E. and 15.10.2005 for W.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 118, 121, [Sch. 6 para. 9\(2\)](#) (with s. 111); S.I. 2004/2202, [art. 2\(h\)](#) (subject to transitional provisions and savings in [art.4](#)); S.I. 2005/2847, [art. 2](#) (subject to transitional provisions and savings in [art. 3](#))
- F27** S. 287(2A)(2B) inserted (26.10.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 16 para. 3\(2\)](#); S.I. 2015/1778, [art. 3\(b\)\(ii\)](#) (with [art. 4\(b\)](#))
- F28** S. 287(3ZA) inserted (26.10.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 16 para. 3\(3\)](#); S.I. 2015/1778, [art. 3\(b\)\(ii\)](#) (with [art. 4\(b\)](#))

*Status: Point in time view as at 13/07/2016.*

*Changes to legislation: Town and Country Planning Act 1990, Part XII is up to date with all changes known to be in force on or before 06 August 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)*

- F29** S. 287(3C)(4) omitted (26.10.2015) by virtue of Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 16 para. 3(4)**; S.I. 2015/1778, art. 3(b)(ii) (with art. 4(b))
- F30** Words in s. 287(5) substituted (26.10.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 16 para. 3(5)**; S.I. 2015/1778, art. 3(b)(ii) (with art. 4(b))
- F31** S. 287(5)(a) repealed (28.9.2004 for E. and 15.10.2005 for W.) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 118, 120, 121, **Sch. 6 para. 9(3)(a)**, **Sch. 9** (with s. 111); S.I. 2004/2202, **art. 2**, **Sch. 1** (subject to transitional provisions and savings in art. 4); S.I. 2005/2847, **art. 2**, **Sch. 1** (subject to transitional provisions and savings in art. 3)
- F32** Words in s. 287(5)(b)-(e) repealed (28.9.2004 for E. and 15.10.2005 for W.) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 118, 120, 121, **Sch. 6 para. 9(3)(b)**, **Sch. 9** (with s. 111); S.I. 2004/2202, **art. 2**, **Sch. 1** (subject to transitional provisions and savings in art. 4); S.I. 2005/2847, **art. 2**, **Sch. 1** (subject to transitional provisions and savings in art. 3)
- F33** S. 287(5A) inserted (26.10.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 16 para. 3(6)**; S.I. 2015/1778, art. 3(b)(ii) (with art. 4(b))
- F34** Words in s. 287(6) repealed (28.9.2004 for E. and 15.10.2005 for W.) by Planning and Compulsory Purchase Act 2004 (c. 5), s. 118, 120, 121, **Sch. 6 para. 9(4)**, **Sch. 9** (with s. 111); S.I. 2004/2202, **art. 2**, **Sch. 1** (subject to transitional provisions and savings in art. 4); S.I. 2005/2847, **art. 2**, **Sch. 1** (subject to transitional provisions and savings in art. 3)

#### Modifications etc. (not altering text)

- C11** Ss. 284-288 modified (1.11.1995) by 1995 c. 25, s. 96, **Sch. 13 para. 16(4)** (with ss. 7(6), 115, 117); S.I. 1995/2765, **art. 2**  
Ss. 284-288 modified (1.11.1995) by 1995 c. 25, s. 96, **Sch. 14 para. 9(4)** (with ss. 7(6), 115, 117); S.I. 1995/2765, **art. 2**  
S. 287 applied (with modifications) (1.4.1996) by 1994 c. 19, s. 66(7), **Sch. 17 Pt. II para. 16(2)(5)** (with ss. 54(5)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**); S.I. 1996/396, **art. 4**, **Sch. 2**
- C12** S. 287, as it continues to have effect by virtue of S.I. 2005/2847 art. 3(3), amended (prosp.) by Planning Act 2008 (c. 29), ss. 186, 241

## 288 Proceedings for questioning the validity of other orders, decisions and directions. **E+W**

- (1) If any person—
- (a) is aggrieved by any order to which this section applies and wishes to question the validity of that order on the grounds—
    - (i) that the order is not within the powers of this Act, or
    - (ii) that any of the relevant requirements have not been complied with in relation to that order; or
  - (b) is aggrieved by any action on the part of the Secretary of State [<sup>F35</sup>or the Welsh Ministers] to which this section applies and wishes to question the validity of that action on the grounds—
    - (i) that the action is not within the powers of this Act, or
    - (ii) that any of the relevant requirements have not been complied with in relation to that action,
- he may make an application to the High Court under this section.

[<sup>F36</sup>(1A) If a person is aggrieved by a relevant costs order made in connection with an order or action to which this section applies and wishes to question its validity, the person may make an application to the High Court under this section (whether or not as part of an application made by virtue of subsection (1)) on the grounds—

- (a) that the relevant costs order is not within the powers of this Act, or



*Status: Point in time view as at 13/07/2016.*

*Changes to legislation: Town and Country Planning Act 1990, Part XII is up to date with all changes known to be in force on or before 06 August 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)*

- (b) that any of the relevant requirements have not been complied with in relation to the order.]
- (2) Without prejudice to subsection (1) [<sup>F37</sup>or (1A)], if the authority directly concerned with any order to which this section applies, or with any action on the part of the Secretary of State [<sup>F38</sup>or the Welsh Ministers] to which this section applies, [<sup>F39</sup>or with any relevant costs order,] wish to question the validity of that order or action on any of the grounds mentioned in subsection (1) [<sup>F40</sup>or (1A) (as the case may be)], the authority may make an application to the High Court under this section.
- <sup>F41</sup>(3) . . . . .
- (4) This section applies to any such order as is mentioned in subsection (2) of section 284 and to any such action on the part of the Secretary of State [<sup>F42</sup>or the Welsh Ministers] as is mentioned in subsection (3) of that section.
- <sup>F43</sup>(4A) An application under this section may not be made without the leave of the High Court.
- (4B) An application for leave for the purposes of subsection (4A) must be made before the end of the period of six weeks beginning with the day after—
  - (a) in the case of an application relating to an order under section 97 that takes effect under section 99 without confirmation, the date on which the order takes effect;
  - (b) in the case of an application relating to any other order to which this section applies, the date on which the order is confirmed;
  - (c) in the case of an application relating to an action to which this section applies, the date on which the action is taken;
  - (d) in the case of an application relating to a relevant costs order, the date on which the order is made.
- (4C) When considering whether to grant leave for the purposes of subsection (4A), the High Court may, subject to subsection (6), make an interim order suspending the operation of any order or action the validity of which the person or authority concerned wishes to question, until the final determination of—
  - (a) the question of whether leave should be granted, or
  - (b) where leave is granted, the proceedings on any application under this section made with such leave.]
- (5) On any application under this section the High Court—
  - (a) may, subject to subsection (6), by interim order suspend the operation of [<sup>F44</sup>any order or action], the validity of which is questioned by the application, until the final determination of the proceedings;
  - (b) if satisfied that [<sup>F45</sup>any such order or action] is not within the powers of this Act, or that the interests of the applicant have been substantially prejudiced by a failure to comply with any of the relevant requirements in relation to it, may quash that order or action.
- <sup>F46</sup>(6) The High Court may not suspend a tree preservation order under subsection (4C) or (5)(a).]
- (7) In relation to a tree preservation order, or to an order made in pursuance of section 221(5), the powers conferred on the High Court by subsection [<sup>F47</sup>(4C) or] (5) shall be exercisable by way of quashing or (where applicable) suspending the operation of the order either in whole or in part, as the court may determine.

*Status: Point in time view as at 13/07/2016.*

*Changes to legislation: Town and Country Planning Act 1990, Part XII is up to date with all changes known to be in force on or before 06 August 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)*

- (8) References in this section to the confirmation of an order include the confirmation of an order subject to modifications as well as the confirmation of an order in the form in which it was made.
- [<sup>F48</sup>(9) In this section—
- “relevant costs order” has the same meaning as in section 284;
  - “the relevant requirements”—
  - (a) in relation to any order or action to which this section applies, means any requirements of this Act or of the Tribunals and Inquiries Act 1992, or of any order, regulations or rules made under either of those Acts, which are applicable to that order or action;
  - (b) in relation to a relevant costs order, means any requirements of this Act, of the Local Government Act 1972 or of the Tribunals and Inquiries Act 1992, or of any order, regulations or rules made under any of those Acts, which are applicable to the relevant costs order.]
- (10) Any reference in this section to the authority directly concerned with any order or action to which this section applies—
- (a) in relation to any such decision as is mentioned in section 284(3)(f), is a reference to the council on whom the notice in question was served and, in a case where the Secretary of State [<sup>F49</sup>has modified][<sup>F49</sup>or the Welsh Ministers have modified] such a notice, wholly or in part, by substituting another local authority or statutory undertakers for that council, includes a reference to that local authority or those statutory undertakers;
  - (b) in any other case, is a reference to the authority who made the order in question or made the decision or served the notice to which the proceedings in question relate, or who referred the matter to the Secretary of State [<sup>F50</sup>or the Welsh Ministers], or, where the order or notice in question was made or served by [<sup>F51</sup>him][<sup>F51</sup>the Secretary of State or the Welsh Ministers], the authority named in the order or notice.
- [<sup>F52</sup>(11) References in this Act to an application under this section do not include an application for leave for the purposes of subsection (4A).]

#### Textual Amendments

- F35** Words in s. 288(1)(b) inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), **Sch. 4 para. 16(2)**; S.I. 2016/52, art. 3(e)
- F36** S. 288(1A) inserted (26.10.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), **Sch. 16 para. 4(2)**; S.I. 2015/1778, art. 3(b)(ii) (with art. 4(a))
- F37** Words in s. 288(2) inserted (26.10.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), **Sch. 16 para. 4(3)(a)**; S.I. 2015/1778, art. 3(b)(ii) (with art. 4(a))
- F38** Words in s. 288(2) inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), **Sch. 4 para. 16(3)**; S.I. 2016/52, art. 3(e)
- F39** Words in s. 288(2) inserted (26.10.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), **Sch. 16 para. 4(3)(b)**; S.I. 2015/1778, art. 3(b)(ii) (with art. 4(a))
- F40** Words in s. 288(2) inserted (26.10.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), **Sch. 16 para. 4(3)(c)**; S.I. 2015/1778, art. 3(b)(ii) (with art. 4(a))
- F41** S. 288(3) omitted (26.10.2015) by virtue of [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), **Sch. 16 para. 4(3)(c)**; S.I. 2015/1778, art. 3(b)(ii) (with art. 4(a))
- F42** Words in s. 288(4) inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), **Sch. 4 para. 16(4)**; S.I. 2016/52, art. 3(e)

*Status: Point in time view as at 13/07/2016.*

*Changes to legislation: Town and Country Planning Act 1990, Part XII is up to date with all changes known to be in force on or before 06 August 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)*

- F43** S. 288(4A)-(4C) inserted (26.10.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 16 para. 4(5)**; S.I. 2015/1778, art. 3(b)(ii) (with art. 4(a))
- F44** Words in s. 288(5)(a) substituted (26.10.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 16 para. 4(6)(a)**; S.I. 2015/1778, art. 3(b)(ii) (with art. 4(a))
- F45** Words in s. 288(5)(b) substituted (26.10.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 16 para. 4(6)(b)**; S.I. 2015/1778, art. 3(b)(ii) (with art. 4(a))
- F46** S. 288(6) substituted (26.10.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 16 para. 4(7)**; S.I. 2015/1778, art. 3(b)(ii) (with art. 4(a))
- F47** Words in s. 288(7) inserted (26.10.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 16 para. 4(8)**; S.I. 2015/1778, art. 3(b)(ii) (with art. 4(a))
- F48** S. 288(9) substituted (26.10.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 16 para. 4(9)**; S.I. 2015/1778, art. 3(b)(ii) (with art. 4(a))
- F49** Words in s. 288(10)(a) substituted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 4 para. 16(5)(a)**; S.I. 2016/52, art. 3(e)
- F50** Words in s. 288(10)(b) inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 4 para. 16(5)(b)(i)**; S.I. 2016/52, art. 3(e)
- F51** Words in s. 288(10)(b) substituted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 4 para. 16(5)(b)(ii)**; S.I. 2016/52, art. 3(e)
- F52** S. 288(11) inserted (26.10.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 16 para. 4(10)**; S.I. 2015/1778, art. 3(b)(ii) (with art. 4(a))

#### Modifications etc. (not altering text)

- C13** S. 288 extended (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 22, **Sch. 2 para. 9** (3) (with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to art. 4)  
Ss. 284-288 modified (1.11.1995) by 1995 c. 25, s. 96, **Sch. 13 para. 16(4)** (with ss. 7(6), 115, 117); S.I. 1995/2765, **art. 2**  
Ss. 284-288 modified (1.11.1995) by 1995 c. 25, s. 96, **Sch. 14 para. 9(4)** (with ss. 7(6), 115, 117); S.I. 1995/2765, **art. 2**  
S. 288 modified (2.10.1995) by S.I. 1995/2558, **reg. 13**
- C14** S. 288 applied (28.9.2004) by Planning and Compulsory Purchase Act 2004 (c. 5), **ss. 58(3)**, 121 (with s. 111); S.I. 2004/2202, **art. 3** (subject to transitional provisions and savings in art. 4)
- C15** S. 288 modified (W.) (8.1.2010) by The Town and Country Planning (Environmental Impact Assessment) (Undetermined Reviews of Old Mineral Permissions) (Wales) Regulations 2009 (S.I. 2009/3342), **reg. 54**
- C16** S. 288(1)(b) applied (W.) (1.3.2016) by The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 (S.I. 2016/58), regs. 1(2), **55** (with reg. 59)

## 289 [F53 Appeals to High Court relating to enforcement notices and notices under s. 207][F53 Appeals to High Court relating to enforcement notices and notices under sections 207 and 215]]. **E+W**

- (1) Where the Secretary of State gives a decision in proceedings on an appeal under Part VII against an enforcement notice the appellant or the local planning authority or any other person having an interest in the land to which the notice relates may, according as rules of court may provide, either appeal to the High Court against the decision on a point of law or require the Secretary of State to state and sign a case for the opinion of the High Court.
- (2) Where the Secretary of State gives a decision in proceedings on an appeal under Part VIII against a notice under section 207, the appellant or the local planning authority or any person (other than the appellant) on whom the notice was served may, according

*Status: Point in time view as at 13/07/2016.*

*Changes to legislation: Town and Country Planning Act 1990, Part XII is up to date with all changes known to be in force on or before 06 August 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)*

as rules of court may provide, either appeal to the High Court against the decision on a point of law or require the Secretary of State to state and sign a case for the opinion of the High Court.

<sup>F54</sup>(2A) Where the Welsh Ministers give a decision in proceedings on an appeal under Part 8 against a notice under section 215, the appellant or the local planning authority or any other person having an interest in the land to which the notice relates may, according as rules of court may provide, either appeal to the High Court against the decision on a point of law or require the Welsh Ministers to sign and state a case for the opinion of the High Court.]

(3) At any stage of the proceedings on any such appeal as is mentioned in subsection (1), the Secretary of State may state any question of law arising in the course of the proceedings in the form of a special case for the decision of the High Court.

(4) A decision of the High Court on a case stated by virtue of subsection (3) shall be deemed to be a judgment of the court within the meaning of section 16 of the <sup>M1</sup>Supreme Court Act 1981 (jurisdiction of the Court of Appeal to hear and determine appeals from any judgment of the High Court).

<sup>F55</sup>[(4A) In proceedings brought by virtue of this section in respect of an enforcement notice, the High Court or, as the case may be, the Court of Appeal may, on such terms if any as the Court thinks fit (which may include terms requiring the local planning authority to give an undertaking as to damages or any other matter), order that the notice shall have effect, or have effect to such extent as may be specified in the order, pending the final determination of those proceedings and any re-hearing and determination by the Secretary of State.

<sup>F55</sup>(4B) Where proceedings are brought by virtue of this section in respect of any notice under section 207 [<sup>F56</sup>or 215], the notice shall be of no effect pending the final determination of those proceedings and any re-hearing and determination by the Secretary of State.]

(5) In relation to any proceedings in the High Court or the Court of Appeal brought by virtue of this section the power to make rules of court shall include power to make rules—

(a) prescribing the powers of the High Court or the Court of Appeal with respect to the remitting of the matter with the opinion or direction of the court for re-hearing and determination by the Secretary of State [<sup>F57</sup>or the Welsh Ministers]; and

(b) providing for the Secretary of State [<sup>F57</sup>or the Welsh Ministers], either generally or in such circumstances as may be prescribed by the rules, to be treated as a party to any such proceedings and to be entitled to appear and to be heard accordingly.

<sup>F58</sup>[(5A) Rules of court may also provide for the High Court or, as the case may be, the Court of Appeal to give directions as to the exercise, until such proceedings in respect of an enforcement notice are finally concluded and any re-hearing and determination by the Secretary of State has taken place, of any other powers in respect of the matters to which such a notice relates.

(6) No proceedings in the High Court shall be brought by virtue of this section except with the leave of that Court and no appeal to the Court of Appeal shall be so brought except with the leave of the Court of Appeal or of the High Court.]

*Status: Point in time view as at 13/07/2016.*

*Changes to legislation: Town and Country Planning Act 1990, Part XII is up to date with all changes known to be in force on or before 06 August 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)*

(7) In this section “decision” includes a direction or order, and references to the giving of a decision shall be construed accordingly.

#### Textual Amendments

- F53** S. 289 title substituted (6.9.2015 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), [ss. 48\(8\)](#), [58\(2\)\(b\)\(4\)\(b\)](#)
- F54** S. 289(2A) inserted (6.9.2015 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), [ss. 48\(8\)\(a\)](#), [58\(2\)\(b\)\(4\)\(b\)](#)
- F55** S. 289(4A)(4B) inserted (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), [s. 6\(4\)](#) (with [s. 84\(5\)](#)); [S.I. 1991/2905](#), [art. 3](#) (subject to [art. 4](#))
- F56** Words in [s. 289\(4B\)](#) inserted (6.9.2015 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), [ss. 48\(8\)\(b\)](#), [58\(2\)\(b\)\(4\)\(b\)](#)
- F57** Words in [s. 289\(5\)](#) inserted (6.9.2015 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), [ss. 48\(8\)\(c\)](#), [58\(2\)\(b\)\(4\)\(b\)](#)
- F58** S. 289(5A)(6) substituted for [s. 289\(6\)](#) (25.11.1991 for certain purposes and otherwise 2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), [s. 6\(5\)](#) (with [s. 84\(5\)](#)); [S.I. 1991/2728](#), [art. 2](#); [S.I. 1991/2905](#), [art.3](#) (subject to [art. 4](#))

#### Modifications etc. (not altering text)

- C17** S. 289: power to modify conferred (11.3.1992 so far as to confer on the Secretary of State a power to impose on him a duty to make regulations, or make provision with respect to the exercise of any such power or duty, 1.6.1992 so far as not already in force) by [Planning \(Hazardous Substances\) Act 1990 \(c. 10, SIF 123:1\)](#), [s. 25\(1\)\(b\)](#); [S.I. 1992/725](#), [arts. 2, 3](#)
- C18** S. 289 applied (with modifications) (1.6.1992) by [S.I. 1992/656](#), [reg. 22\(1\)](#), [Sch. 4 Pt. 4](#)  
S. 289 applied (with modifications) (27.7.1992) by [S.I. 1992/1562](#), [reg. 2](#), [Sch.](#)
- C19** S. 289 applied (28.9.2004) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), [ss. 58\(4\)](#), 121 (with [s. 111](#)); [S.I. 2004/2202](#), [art. 3](#) (subject to transitional provisions and savings in [art. 4](#))
- C20** S. 289 applied (with modifications) (E.) (1.6.2015) by [The Planning \(Hazardous Substances\) Regulations 2015 \(S.I. 2015/627\)](#), [regs. 1\(1\), 19\(1\)](#), [Sch. 4 Pt. 4](#) (with [reg. 34](#))
- C21** S. 289(1) applied (with modifications) (W.) (4.9.2015) by [The Planning \(Hazardous Substances\) \(Wales\) Regulations 2015 \(S.I. 2015/1597\)](#), [regs. 1\(1\), 20\(1\)](#), [Sch. 4 Pt. 3](#) (with [reg. 36](#))
- C22** S. 289(3)-(4A) applied (with modifications) (W.) (4.9.2015) by [The Planning \(Hazardous Substances\) \(Wales\) Regulations 2015 \(S.I. 2015/1597\)](#), [regs. 1\(1\), 20\(1\)](#), [Sch. 4 Pt. 3](#) (with [reg. 36](#))
- C23** S. 289(5)-(7) applied (with modifications) (W.) (4.9.2015) by [The Planning \(Hazardous Substances\) \(Wales\) Regulations 2015 \(S.I. 2015/1597\)](#), [regs. 1\(1\), 20\(1\)](#), [Sch. 4 Pt. 3](#) (with [reg. 36](#))

#### Marginal Citations

- M1** 1981 c. 54.

<sup>F59</sup>290 ..... **E+W**

#### Textual Amendments

- F59** S. 290 repealed (27.7.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), [ss. 32, 84\(6\)](#), [Sch. 7 para. 44](#), [Sch. 19 Pt. I](#) (with [s. 84\(5\)](#)); [S.I. 1992/1630](#), [art. 2](#), [Schs. 1, 2](#) (with [art. 3\(1\)](#))

*Status: Point in time view as at 13/07/2016.*

*Changes to legislation: Town and Country Planning Act 1990, Part XII is up to date with all changes known to be in force on or before 06 August 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)*

## 291 Special provisions as to decisions relating to statutory undertakers. **E+W**

In relation to any action which—

- (a) apart from the provisions of Part XI would fall to be taken by the Secretary of State and, if so taken, would be action falling within section 284(3); but
- (b) by virtue of that Part, is required to be taken by the Secretary of State and the appropriate Minister,

the provisions of sections 284 and 288 shall have effect (subject to section 292) as if any reference in those provisions to the Secretary of State were a reference to the Secretary of State and the appropriate Minister.

## 292 Special provisions as to orders subject to special parliamentary procedure. **E+W**

- (1) Where an order under section 247, 248, 249 or 277 is subject to special parliamentary procedure, then—
  - (a) if the order is confirmed by Act of Parliament under section 6 of the <sup>M2</sup>Statutory Orders (Special Procedure) Act 1945, sections 284 and 287 shall not apply to the order;
  - (b) in any other case, section 287 shall have effect in relation to the order as if, in subsection (4) of that section, for the reference to the date there mentioned there were substituted a reference to the date on which the order becomes operative under section 6 of that Act (“the operative date”).
- (2) Where by virtue of Part XI any such action as is mentioned in section 291 is required to be embodied in an order, and that order is subject to special parliamentary procedure, then—
  - (a) if the order in which the action is embodied is confirmed by Act of Parliament under section 6 of that Act, sections 284 and 288 shall not apply;
  - (b) in any other case, section 288 shall apply with the substitution for any reference to the date on which the action is taken of a reference to the operative date.

### Marginal Citations

**M2** 1945 c. 18.

**Status:**

Point in time view as at 13/07/2016.

**Changes to legislation:**

Town and Country Planning Act 1990, Part XII is up to date with all changes known to be in force on or before 06 August 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.