



# Town and Country Planning Act 1990

## 1990 CHAPTER 8

### PART VI

#### RIGHTS OF OWNERS ETC. TO REQUIRE PURCHASE OF INTERESTS

### CHAPTER I

#### INTERESTS AFFECTED BY PLANNING DECISIONS OR ORDERS

##### *Duties of authorities on service of purchase notice*

#### **140 Procedure on reference of purchase notice to Secretary of State.**

- (1) Where a copy of a purchase notice is sent to the Secretary of State under section 139(4), he shall consider whether to confirm the notice or to take other action under section 141 in respect of it.
- (2) Before confirming a purchase notice or taking such other action, the Secretary of State must give notice of his proposed action—
  - (a) to the person who served the purchase notice;
  - (b) to the council on whom it was served;
  - (c) [<sup>F1</sup>in England] outside Greater London—
    - (i) to the county planning authority and also, where that authority is a joint planning board, to the county council; and
    - (ii) if the district council on whom the purchase notice in question was served is a constituent member of a joint planning board, to that board;
  - [<sup>F2</sup>(cc) in Wales, to the local planning authority, where it is a joint planning board;] and
  - (d) if the Secretary of State proposes to substitute any other local authority or statutory undertakers for the council on whom the notice was served, to them.

*Status: Point in time view as at 09/04/2013. This version of this provision has been superseded.*

*Changes to legislation: Town and Country Planning Act 1990, Section 140 is up to date with all changes known to be in force on or before 05 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)*

- (3) A notice under subsection (2) shall specify the period (which must not be less than 28 days from its service) within which any of the persons on whom it is served may require the Secretary of State to give those persons an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.
- (4) If within that period any of those persons so require, before the Secretary of State confirms the purchase notice or takes any other action under section 141 in respect of it he must give those persons such an opportunity.
- (5) If, after any of those persons have appeared before and been heard by the appointed person, it appears to the Secretary of State to be expedient to take action under section 141 otherwise than in accordance with the notice given by him, the Secretary of State may take that action accordingly.

#### **Textual Amendments**

- F1** Words in s. 140(2)(c) inserted (1.4.1996) by 1994 c. 19, s. 20(4), **Sch. 6 Pt. II para. 24(4)(a)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**
- F2** S. 140(2)(cc) inserted (1.4.1996) by 1994 c. 19, s. 20(4), **Sch. 6 Pt. II para. 24(4)(b)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

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

- C1** S. 140(2)(d): power to apply (with modifications) conferred by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 123:1\)](#), s. 149(3), **Sch. 29 Pt. II para. 2** as substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, **Sch. 2 para. 44(13)**
- C2** S. 140(2)(d) 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. 2** (with arts. 6, 7)
- S. 140(2)(d) applied (with modifications) (12.10.2005) by [The Thurrock Development Corporation \(Planning Functions\) Order 2005 \(S.I. 2005/2572\)](#), **art. 5** (with arts. 6, 7)
- S. 140(2)(d) applied (with modifications) (31.10.2005) by [The London Thames Gateway Development Corporation \(Planning Functions\) Order 2005 \(S.I. 2005/2721\)](#), **art. 6**
- S. 140(2)(d) applied (with modifications) (6.4.2006) by [The West Northamptonshire Development Corporation \(Planning Functions\) Order 2006 \(S.I. 2006/616\)](#), **art. 6**
- S. 140(2)(d) applied (with modifications) (7.9.2006) by [The Olympic Delivery Authority \(Planning Functions\) Order 2006 \(S.I. 2006/2185\)](#), **art. 6**
- C3** S. 140(2)(d) applied (with modifications) (1.10.2012) by [The London Legacy Development Corporation \(Planning Functions\) Order 2012 \(S.I. 2012/2167\)](#), arts. 1, 7 (with Sch. 1, Sch. 2)

**Status:**

Point in time view as at 09/04/2013. This version of this provision has been superseded.

**Changes to legislation:**

Town and Country Planning Act 1990, Section 140 is up to date with all changes known to be in force on or before 05 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.