



# 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*

#### **143 Effect of Secretary of State's action in relation to purchase notice.**

- (1) Where the Secretary of State confirms a purchase notice—
- the council on whom the purchase notice was served, or
  - if under section 141(4) the Secretary of State modified the purchase notice by substituting another local authority or statutory undertakers for that council, that other authority or those undertakers,

shall be deemed to be authorised to acquire the interest of the owner compulsorily in accordance with the relevant provisions, and to have served a notice to treat in respect of it on such date as the Secretary of State may direct.

- (2) If, before the end of the relevant period, the Secretary of State has neither—
- confirmed the purchase notice, nor
  - taken any such action in respect of it as is mentioned in section 141(2) or (3), nor
  - notified the owner by whom the notice was served that he does not propose to confirm the notice,

the notice shall be deemed to be confirmed at the end of that period, and the council on whom the notice was served shall be deemed to be authorised as mentioned in subsection (1) and to have served a notice to treat in respect of the owner's interest at the end of that period.

*Status: Point in time view as at 15/10/2020. This version of this provision has been superseded.*

*Changes to legislation: Town and Country Planning Act 1990, Section 143 is up to date with all changes known to be in force on or before 18 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) Subject to subsection (4), for the purposes of subsection (2) the relevant period is—
- (a) the period of nine months beginning with the date of service of the purchase notice; or
  - (b) if it ends earlier, the period of six months beginning with the date on which a copy of the purchase notice was sent to the Secretary of State.
- (4) The relevant period does not run if the Secretary of State has before him at the same time both—
- (a) a copy of the purchase notice sent to him under section 139(4); and
  - (b) a notice of appeal under section 78, 174 or 195 of this Act or under section 20 or 39 of the Planning<sup>M1</sup>(Listed Buildings and Conservation Areas) Act 1990 (appeals against refusal of listed building consent, etc. and appeals against listed building enforcement notices) or under section 21<sup>M2</sup> of the Planning (Hazardous Substances) Act 1990 (appeals against decisions and failure to take decisions relating to hazardous substances) relating to any of the land to which the purchase notice relates.
- (5) Where—
- (a) the Secretary of State has notified the owner by whom a purchase notice has been served of a decision on his part to confirm, or not to confirm, the notice; and
  - (b) that decision is quashed under Part XII,
- the purchase notice shall be treated as cancelled, but the owner may serve a further purchase notice in its place.
- (6) The reference in subsection (5) to a decision to confirm, or not to confirm, the purchase notice includes—
- (a) any decision not to confirm the notice in respect of any part of the land to which it relates, and
  - (b) any decision to grant any permission, or give any direction, instead of confirming the notice, either wholly or in part.
- (7) For the purposes of determining whether a further purchase notice under subsection (5) was served within the period prescribed for the service of purchase notices, the planning decision in consequence of which the notice was served shall be treated as having been made on the date on which the decision of the Secretary of State was quashed.
- (8) A notice to treat which is deemed to have been served by virtue of subsection (1) or (2) may not be withdrawn under section 31 of the<sup>M3</sup>Land Compensation Act 1961.

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

- C1** S. 143(1)(b): 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. 4** as substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, **Sch. 2 para. 44(13)**
- C2** S. 143(1)(b) 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. 4** (with arts. 6, 7)  
 S. 143(1)(b) 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. 143(1)(b) applied (with modifications) (31.10.2005) by [The London Thames Gateway Development Corporation \(Planning Functions\) Order 2005 \(S.I. 2005/2721\)](#), **art. 6**

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S. 143(1)(b) applied (with modifications) (6.4.2006) by The West Northamptonshire Development Corporation (Planning Functions) Order 2006 (S.I. 2006/616), **art. 6**

S. 143(1)(b) applied (with modifications) (7.9.2006) by The Olympic Delivery Authority (Planning Functions) Order 2006 (S.I. 2006/2185), **art. 6**

**C3** S. 143(1)(b) 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)

**C4** S. 143(1)(b) applied (with modifications) (1.4.2015) by The Old Oak and Park Royal Development Corporation (Planning Functions) Order 2015 (S.I. 2015/442), arts. 1, **7** (with Sch.)

**C5** S. 143(1)(b) applied (with modifications) (1.7.2015) by The Ebbsfleet Development Corporation (Planning Functions) Order 2015 (S.I. 2015/748), arts. 1, **5** (with Sch.)

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#### **Marginal Citations**

**M1** 1990 c. 9.

**M2** 1990 c. 10.

**M3** 1961 c. 33.

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