



Town and Country Planning Act 1990

1990 CHAPTER 8

PART XV **E+W**

MISCELLANEOUS AND GENERAL PROVISIONS

Miscellaneous and general provisions

333 Regulations and orders. **E+W**

- (1) The Secretary of State may make regulations under this Act—
- for prescribing the form of any notice, order or other document authorised or required by this Act to be served, made or issued by any local authority [^{F1}or National Park authority];
 - for any purpose for which regulations are authorised or required to be made under this Act (other than a purpose for which regulations are authorised or required to be made by another Minister).
- (2) Any power conferred by this Act to make regulations shall be exercisable by statutory instrument.
- [^{F2}(2A) Regulations may make different provision for different purposes.]
- [^{F3}(2B) Regulations made under this Act may make consequential, supplementary, incidental, transitional, transitory or saving provision.]
- (3) Any statutory instrument containing regulations made under this Act (except regulations under section 88 [^{F4}or paragraph 15(5) or 16 of Schedule 4B] and regulations which by virtue of this Act are of no effect unless approved by a resolution of each House of Parliament) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- [^{F5}(3ZA) No regulations may be made under section 59A(9) unless a draft of the instrument containing the regulations has been laid before, and approved by a resolution of, each House of Parliament.]

Status: Point in time view as at 12/02/2024. This version of this provision has been superseded.

Changes to legislation: Town and Country Planning Act 1990, Section 333 is up to date with all changes known to be in force on or before 15 July 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)

- [^{F6}(3ZAA) No regulations may be made under section 100ZA(1) unless a draft of the instrument containing the regulations has been laid before, and approved by a resolution of, each House of Parliament.]
- [^{F7}(3A) No regulations may be made under paragraph 15(5) or 16 of Schedule 4B unless a draft of the instrument containing the regulations has been laid before, and approved by a resolution of, each House of Parliament.]
- [^{F8}(3AA) No regulations may be made under paragraph 2(4) of Schedule 7A (biodiversity gain condition) unless a draft of the instrument containing the regulations has been laid before, and approved by a resolution of, each House of Parliament.]
- [^{F9}(3B) Subsection (3) does not apply to a statutory instrument containing regulations made by the Welsh Ministers.
- (3C) A statutory instrument containing regulations made by the Welsh Ministers under this Act is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (3D) Subsection (3C) does not apply to a statutory instrument if—
- (a) it contains only regulations under section 88(7),
 - (b) it contains (whether alone or with other provision) regulations under section 315, or
 - (c) it is within subsection (3F).
- (3E) The Welsh Ministers may not make a statutory instrument within subsection (3F) unless a draft of the instrument has been laid before and approved by resolution of the National Assembly for Wales.
- (3F) A statutory instrument is within this subsection if it contains (whether alone or with other provision) regulations under—
- (a) section 9, if the regulations include provision amending an Act of Parliament or an Act or Measure of the National Assembly for Wales;
 - (b) section 62D(3);
 - (c) section 62H;
 - (d) section 116;
 - (e) section 303;
 - (f) section 303ZA;
 - (g) section 316, if the regulations relate to land of the Welsh Ministers or to the development of land by the Welsh Ministers;
 - (h) section 319ZB.]
- (4) The power [^{F10}of the Secretary of State] to make development orders and orders under sections 2, [^{F11}2A, 2F,] 28, 55(2)(f), [^{F12}61A(5)] 87, [^{F13}106BA(14),] 149(3)(a) [^{F14}, 319 and 319A(9)] shall be exercisable by statutory instrument.
- [^{F15}(4A) The power of the Welsh Ministers to make development orders and orders under sections 2(1B), 55(2)(f), 87(3), 149(3)(a), 293(1)(c) and 319B(9) is exercisable by statutory instrument.
- (4B) A development order made by the Welsh Ministers may make different provision for different purposes, for different cases (including different classes of development) and for different areas.]

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(5) Any statutory instrument—

- (a) which contains an order under ^{F16}subsection (1) of] section 2 which has been made after a local inquiry has been held in accordance with subsection (2) of that section; or
- (b) which contains a development order ^{F17}made by the Secretary of State] or an order ^{F18}made by the Secretary of State] under section ^{F19}2A, 2F,] 28, ^{F20}61A(5) ^{F21}...,] 87 or 149(3)(a),

shall be subject to annulment in pursuance of a resolution of either House of Parliament.

^{F22}(5ZA) No order may be made under section 106BA(14) unless a draft of the instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament.]

^{F23}(5A) No order may be made under section 319A(9) unless a draft of the instrument containing the order has been laid before, and approved by resolution of, each House of Parliament.]

^{F24}(5B) A statutory instrument containing any of the following is subject to annulment in pursuance of a resolution of the National Assembly for Wales—

- (a) an order under subsection (1B) of section 2 which has been made after a local inquiry has been held in accordance with subsection (2) of that section,
- (b) a development order made by the Welsh Ministers, or
- (c) an order under section 87(3) or 149(3)(a) made by the Welsh Ministers.

(5C) The Welsh Ministers may not make a statutory instrument containing an order under section 62L(9), 293(1)(c) or 319B(9) unless a draft of the instrument has been laid before and approved by resolution of the National Assembly for Wales.]

(6) Without prejudice to subsection (5) [^{F25}or (5B)], where a development order makes provision for excluding or modifying any enactment contained in a public general Act (other than any of the enactments specified in Schedule 17) the order shall not have effect until that provision is approved by a resolution of each House of Parliament [^{F26}(in the case of an order made by the Secretary of State) or the National Assembly for Wales (in the case of an order made by the Welsh Ministers)].

(7) Without prejudice to section 14 of the ^{M1}Interpretation Act 1978, any power conferred by any of the provisions of this Act to make an order, shall include power to vary or revoke any such order by a subsequent order.

^{F27}(8) Orders made under this Act by statutory instrument may make consequential, supplementary, incidental, transitional, transitory or saving provision.]

Subordinate Legislation Made

P1 S. 333: power previously exercised by [S.I. 1990/1562](#), 2032

P2 S. 333(7): s. 59 (with ss. 60(1), 61(1) and 333(7)) power exercised by [S.I. 1991/1536](#),

P3 S. 333(7): s. 55(2)(f) (with s. 333(7)) power exercised by [S.I. 1991/1567](#)

Textual Amendments

F1 Words in s. 333(1) inserted (23.11.1995) by [1995 c. 25, s. 78, Sch. 10 para. 32\(12\)](#) (with ss. 7(6), 115, 117, [Sch. 8 para. 7](#)); [S.I. 1995/2950, art. 2\(1\)](#)

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- F2** S. 333(2A) inserted (6.8.2004 for certain purposes, otherwise prosp.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 118, 121, **Sch. 6 para. 14(2)** (with s. 111); S.I. 2004/2097, **art. 2**
- F3** S. 333(2B) inserted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), **ss. 130(1)(a), 255(3)(a)** (with s. 247)
- F4** Words in s. 333(3) inserted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes) by [Localism Act 2011 \(c. 20\)](#), s. 240(2)(5)(j), **Sch. 12 para. 22(2)**; S.I. 2012/57, art. 4(1)(h) (with arts. 6, 7, 9-11)
- F5** S. 333(3ZA) inserted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 150(4), 216(3)**; S.I. 2016/733, reg. 3(d)
- F6** S. 333(3ZAA) inserted (19.7.2017 for specified purposes) by [Neighbourhood Planning Act 2017 \(c. 20\)](#), **ss. 14(2), 46(1)**; S.I. 2017/767, reg. 2(e)
- F7** S. 333(3A) inserted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes) by [Localism Act 2011 \(c. 20\)](#), s. 240(2)(5)(j), **Sch. 12 para. 22(3)**; S.I. 2012/57, art. 4(1)(h) (with arts. 6, 7, 9-11)
- F8** S. 333(3AA) inserted (12.2.2024) by [Environment Act 2021 \(c. 30\)](#), s. 147(3), **Sch. 14 para. 3(15)** (with s. 144); S.I. 2024/44, reg. 2(1)(e) (with reg. 4)
- F9** S. 333(3B)-(3F) inserted (6.9.2015) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(a), **Sch. 7 para. 3**
- F10** Words in s. 333(4) inserted (6.9.2015) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(a), **Sch. 7 para. 6(2)**
- F11** Words in s. 333(4) inserted (6.4.2008) by [Greater London Authority Act 2007 \(c. 24\)](#), **ss. 31(3)(a), 59**; S.I. 2008/582, **art. 2(a)**
- F12** Word in s. 333(4) inserted (6.8.2004 for specified purposes, 10.5.2006 for E. so far as not already in force, 30.4.2012 for W. so far as not already in force) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), s. 40(3)(a) (with s. 111); S.I. 2004/2097, art. 2; S.I. 2006/1061, art. 2(a); S.I. 2012/1100, art. 2
- F13** Word in s. 333(4) inserted (25.4.2013) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), s. 35(2), **Sch. 2 para. 8(2)**
- F14** Words in s. 333(4) substituted (6.4.2009 for certain purposes and otherwise prosp.) by [Planning Act 2008 \(c. 29\)](#), ss. 196, 241, **Sch. 10 para. 13(2)** (with s. 226); S.I. 2009/400, **art. 3**
- F15** S. 333(4A)(4B) substituted for s. 333(4A) (6.9.2015) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(a), **Sch. 7 para. 6(3)**
- F16** Words in s. 333(5)(a) inserted (6.9.2015) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(a), **Sch. 7 para. 6(4)(a)**
- F17** Words in s. 333(5)(b) inserted (6.9.2015) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(a), **Sch. 7 para. 6(4)(b)(i)**
- F18** Words in s. 333(5)(b) inserted (6.9.2015) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(a), **Sch. 7 para. 6(4)(b)(ii)**
- F19** Words in s. 333(5)(b) inserted (6.4.2008) by [Greater London Authority Act 2007 \(c. 24\)](#), **ss. 31(3)(b), 59**; S.I. 2008/582, **art. 2(a)**
- F20** Words in s. 333(5)(b) inserted (6.8.2004 for specified purposes, 10.5.2006 for E. so far as not already in force, 30.4.2012 for W. so far as not already in force) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), s. 40(3)(b) (with s. 111); S.I. 2004/2097, art. 2; S.I. 2006/1061, art. 2(a); S.I. 2012/1100, art. 2
- F21** Words in s. 333(5)(b) omitted (6.9.2015) by virtue of [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(a), **Sch. 7 para. 6(4)(b)(iii)**
- F22** S. 333(5ZA) inserted (25.4.2013) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), s. 35(2), **Sch. 2 para. 8(3)**
- F23** S. 333(5A) inserted (6.4.2009 for certain purposes and otherwise prosp.) by [Planning Act 2008 \(c. 29\)](#), ss. 196, 241, **Sch. 10 para. 13(3)** (with s. 226); S.I. 2009/400, **art. 3**
- F24** S. 333(5B)(5C) inserted (6.9.2015) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(a), **Sch. 7 para. 6(5)**
- F25** Words in s. 333(6) inserted (6.9.2015) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(a), **Sch. 7 para. 6(6)(a)**

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F26 Words in s. 333(6) inserted (6.9.2015) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(a), **Sch. 7 para. 6(6)(b)**

F27 S. 333(8) inserted (26.12.2023) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 130(1)(b), 255(3)(a)** (with s. 247)

Modifications etc. (not altering text)

C1 S. 333: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**

C2 S. 333 applied (8.5.2017) by The Liverpool City Region Combined Authority (Functions and Amendment) Order 2017 (S.I. 2017/430), arts. 1(3), **5(4)**

C3 S. 333 applied (8.5.2018) by The West of England Combined Authority Order 2017 (S.I. 2017/126), arts. 1(5), **12(4)**

Marginal Citations

M1 1978 c. 30.

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