



# Town and Country Planning Act 1990

## 1990 CHAPTER 8

### PART XV

#### MISCELLANEOUS AND GENERAL PROVISIONS

##### *Miscellaneous and general provisions*

#### **333 Regulations and orders.**

- (1) The Secretary of State may make regulations under this Act—
  - (a) 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 [<sup>F1</sup>or National Park authority];
  - (b) 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.
  - [<sup>F2</sup>(2A) Regulations may make different provision for different purposes.]
  - [<sup>F3</sup>(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 [<sup>F4</sup>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.
  - [<sup>F5</sup>(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.]

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- [<sup>F6</sup>(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.]
- [<sup>F7</sup>(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.]
- [<sup>F8</sup>(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.]
- [<sup>F9</sup>(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 [<sup>F10</sup>of the Secretary of State] to make development orders and orders under sections 2, [<sup>F11</sup>2A, 2F,] 28, 55(2)(f), [<sup>F12</sup>61A(5)] 87, [<sup>F13</sup>106BA(14),] 149(3)(a) [<sup>F14</sup>, 319 and 319A(9)] shall be exercisable by statutory instrument.

[<sup>F15</sup>(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 <sup>F16</sup>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 <sup>F17</sup>made by the Secretary of State] or an order <sup>F18</sup>made by the Secretary of State] under section <sup>F19</sup>2A, 2F,] 28, <sup>F20</sup>61A(5) <sup>F21</sup>...,] 87 or 149(3)(a),

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

<sup>F22</sup>(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.]

<sup>F23</sup>(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.]

<sup>F24</sup>(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) <sup>F25</sup>[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 <sup>F26</sup>[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 <sup>M1</sup>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.

<sup>F27</sup>(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 E.W. for specified purposes, 25.4.2024 for specified purposes) by [Planning Act 2008 \(c. 29\)](#), s. 241(8), **Sch. 10 para. 13(2)** (with s. 226); S.I. 2009/400, art. 3(j); S.I. 2024/452, reg. 2(b)
- 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 E.W. for specified purposes, 25.4.2024 for specified purposes) by [Planning Act 2008 \(c. 29\)](#), s. 241(8), **Sch. 10 para. 13(3)** (with s. 226); S.I. 2009/400, art. 3(j); S.I. 2024/452, reg. 2(b)
- 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)**

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- 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)**
- 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)

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**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)**

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**Marginal Citations**

- M1** 1978 c. 30.

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**Changes and effects yet to be applied to :**

- s. 333(3F)(b) omitted by [2024 asc 3 Sch. 3 para. 4\(22\)\(a\)](#)
- s. 333(3F)(c) omitted by [2024 asc 3 Sch. 3 para. 4\(22\)\(a\)](#)
- s. 333(4) word inserted by [2015 c. 7 Sch. 4 para. 22\(2\)](#)
- s. 333(5) word inserted by [2015 c. 7 Sch. 4 para. 22\(3\)](#)
- s. 333(5C) word omitted by [2024 asc 3 Sch. 3 para. 4\(22\)\(b\)](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act applied by [2023 asc 3 s. 79\(2\)](#)
- Act applied by [2023 asc 3 s. 83\(4\)](#)
- Act excluded by [2023 asc 3 s. 140\(4\)\(b\)](#)

**Whole provisions yet to be inserted into this Act (including any effects on those provisions):**

- s. 165B inserted by [2024 asc 3 s. 99\(5\)](#)
- s. 7(3) inserted by [2023 c. 55 Sch. 17 para. 2\(2\)](#)
- s. 7A(6) inserted by [2023 c. 55 Sch. 17 para. 2\(4\)](#)
- s. 7ZA inserted by [2023 c. 55 Sch. 17 para. 2\(3\)](#)
- s. 58B and cross-heading inserted by [2023 c. 55 s. 102\(1\)](#)
- s. 59A(3)(ba) inserted by [2023 c. 55 Sch. 8 para. 4\(b\)](#)
- s. 62B(5)(ca) inserted by [2023 c. 55 Sch. 17 para. 2\(5\)](#)
- s. 70(2)(azb) inserted by [2023 c. 55 Sch. 6 para. 3\(a\)](#)
- s. 70(3)(ca) inserted in earlier affecting provision [2016 c. 22, s. 5\(8\)](#) by [2023 asc 3 Sch. 13 para. 194](#)
- s. 70(3A) inserted by [2017 c. 20 Sch. 3 para. 2](#)
- s. 70A(5A) inserted by [2023 c. 55 Sch. 6 para. 4\(a\)](#)
- s. 70A(10)(11) inserted by [2023 c. 55 s. 110\(4\)\(b\)](#)
- s. 70B(5A)(5B) inserted by [2023 c. 55 s. 110\(5\)\(b\)](#)
- s. 73B inserted by [2023 c. 55 s. 110\(2\)](#)
- s. 74(1C)(aa) inserted by [2023 c. 55 Sch. 6 para. 5\(b\)](#)
- s. 75ZA and cross-heading inserted by [2016 c. 22 s. 155](#)
- s. 83(1A)-(1C) amendment to earlier affecting provision [2004 c. 5, s. 45\(2\)](#) by [2011 c. 20 Sch. 8 para. 14\(4\)\(5\)Sch. 25 Pt. 16](#)
- s. 83(1A)-(1C) inserted by [2004 c. 5 s. 45\(2\)](#)
- s. 83(2)-(2B) amendment to earlier affecting provision [2004 c. 5, s. 45\(3\)](#) by [2011 c. 20 Sch. 8 para. 14\(4\)\(5\)Sch. 25 Pt. 16](#)
- s. 83(2)-(2B) substituted for s. 83(2) by [2004 c. 5 s. 45\(3\)](#)
- s. 83(4) inserted by [2004 c. 5 s. 45\(4\)](#)
- s. 85(1A) inserted by [2004 c. 5 s. 45\(6\)](#)
- s. 93(5)(6) inserted by [2017 c. 20 Sch. 3 para. 6](#)
- s. 94(1)(e) and word inserted by [2023 c. 55 Sch. 9 para. 1\(15\)](#)
- s. 102(1A) inserted by [2023 c. 55 Sch. 6 para. 9\(b\)](#)
- s. 106(1B) inserted by [2024 asc 3 s. 98\(2\)\(a\)](#)
- s. 106(9)(ab) inserted by [2024 asc 3 s. 98\(2\)\(b\)](#)
- s. 106(15) inserted by [2024 asc 3 s. 98\(2\)\(c\)](#)
- s. 106A(9A) inserted by [2023 c. 55 s. 125](#)
- s. 106A(11)(zaa) inserted by [2024 asc 3 s. 98\(3\)](#)
- s. 106D inserted by [2024 asc 3 s. 98\(5\)](#)
- s. 106ZA inserted by [2016 c. 22 s. 158\(1\)](#)
- s. 106ZB inserted by [2016 c. 22 s. 159\(1\)](#)

- s. 106ZB(2)(a) omitted by 2023 c. 55 s. 130(3)(b)
- s. 108(1A)(1B) inserted by 2015 c. 7 Sch. 4 para. 15(4)
- s. 108(3A) inserted by 2004 c. 5 Sch. 6 para. 6
- s. 108(3B)(ba) inserted by 2015 c. 7 Sch. 4 para. 15(6)
- s. 108(3B)(ba) word omitted by 2023 c. 55 Sch. 9 para. 1(16)(d)(i)
- s. 108(3B)(bb) inserted by 2023 c. 55 Sch. 9 para. 1(16)(d)(ii)
- s. 108(3DA) inserted by 2015 c. 7 Sch. 4 para. 15(7)
- s. 108(3DB) inserted by 2023 c. 55 Sch. 9 para. 1(16)(e)
- s. 141(6) inserted by 2017 c. 20 Sch. 3 para. 7
- s. 151(7B) inserted by 2024 asc 3 s. 99(4)
- s. 169(1)(a) words renumbered as s. 169(1)(a) by 2017 c. 20 s. 26(5)(a)
- s. 169(1)(b) inserted by 2017 c. 20 s. 26(5)(b)
- s. 169(7A)(7B) inserted by 2024 asc 3 s. 99(6)(a)
- s. 170(8D)-(8F) inserted by 2024 asc 3 s. 99(7)
- s. 170(8BA) inserted by 2017 c. 20 s. 26(6)
- s. 174(2AA)(b) words substituted by 2023 c. 55 s. 113(6)
- s. 208(5A) inserted by 2008 c. 29 Sch. 10 para. 9(2)
- s. 303(1ZZA) inserted by 2023 asc 3 Sch. 13 para. 87
- s. 303(10A) inserted by 2015 c. 7 Sch. 4 para. 19(3)
- s. 303(12) inserted by 2015 c. 7 Sch. 4 para. 19(4)
- s. 303A(1A)(za) inserted by 2023 c. 55 Sch. 8 para. 7(2)(a)
- s. 303A(9B) inserted by 2023 c. 55 Sch. 8 para. 7(4)
- s. 303A(10)(za) inserted by 2023 c. 55 Sch. 8 para. 7(5)
- s. 303A(12) inserted by 2023 c. 55 Sch. 8 para. 7(6)
- s. 303ZB inserted by 2023 c. 55 s. 134
- s. 314A inserted by 2023 asc 3 Sch. 13 para. 90
- s. 324(1A)(a) words in s. 324(1A) renumbered as s. 324(1A)(a) by 2023 c. 55 Sch. 9 para. 1(20)(a)
- s. 324(1A)(b) and word inserted by 2023 c. 55 Sch. 9 para. 1(20)(b)
- s. 333(3ZZAA) inserted by 2023 c. 55 Sch. 9 para. 1(21)(b)
- s. 333(3ZB) inserted by 2016 c. 22 s. 159(2)
- s. 333(3ZZA) inserted by 2023 c. 55 Sch. 9 para. 1(21)(a)
- Sch. 1 para. 5(4) inserted by 2023 c. 55 Sch. 17 para. 2(7)(c)
- Sch. 1 para. 7(10)(10A) substituted for Sch. 1 para. 7(10) by 2023 c. 55 Sch. 8 para. 11(2)
- Sch. 4B para. 11(3)-(5) inserted by 2017 c. 20 s. 7
- Sch. 4B para. 8(2)(fa) inserted by 2023 c. 55 s. 99(1)(b)
- Sch. 4B para. 8(2)(ca) inserted by 2023 c. 55 s. 102(2)(a)(ii)
- Sch. 4B para. 8(4A)(4B) inserted by 2023 c. 55 s. 102(2)(b)
- Sch. 4B para. 5(5)(za) inserted by 2023 c. 55 Sch. 6 para. 12(a)
- Sch. 4B para. 8(2)(da) inserted by 2023 c. 55 Sch. 6 para. 12(b)
- Sch. 4B para. 8(2)(ea) substituted for Sch. 4B para. 8(2)(e) by 2023 c. 55 s. 99(1)(a)
- Sch. 7 para. 12(1)-(1C) amendment to earlier affecting provision 2004 c. 5 s. 45(9) by 2011 c. 20 Sch. 8 para. 14(7)
- Sch. 7 para. 12(1)-(1C) substituted for Sch. 7 para. 12(1) by 2004 c. 5 s. 45(9)
- Sch. 9 para. 1(1A) inserted by 2023 c. 55 Sch. 6 para. 13(b)
- Sch. 9A inserted by 2016 c. 22 Sch. 13
- Sch. 13 para. 24ZA inserted by 2024 asc 3 s. 99(2)(a)
- Sch. 13 para. 26 and cross-heading inserted by 2024 asc 3 s. 99(2)(b)
- Sch. 13 para. 24A inserted by 2017 c. 20 s. 26(7)