



Planning (Listed Buildings and Conservation Areas) Act 1990

1990 CHAPTER 9

PART I **E+W**

LISTED BUILDINGS

CHAPTER III **E+W**

RIGHTS OF OWNERS ETC.

Listed building purchase notices

33 Action by council on whom listed building purchase notice served. **E+W**

- (1) The council on whom a listed building purchase notice is served by an owner shall serve on him a notice stating either—
 - (a) that the council are willing to comply with the purchase notice; or
 - (b) that another local authority or statutory undertakers specified in the notice under this subsection have agreed to comply with it in their place; or
 - (c) that for reasons so specified the council are not willing to comply with the purchase notice and have not found any other local authority or statutory undertakers who will agree to comply with it in their place and that they have transmitted to the Secretary of State a copy of the purchase notice and of the notice under this subsection.
- (2) A notice under subsection (1) must be served before the end of the period of three months beginning with the date of service of the listed building purchase notice.
- (3) Where such a notice as is mentioned in paragraph (a) or (b) of subsection (1) has been duly served, the council or, as the case may be, the other local authority or statutory undertakers specified in the notice shall be deemed—

Changes to legislation: Planning (Listed Buildings and Conservation Areas) Act 1990, Section 33 is up to date with all changes known to be in force on or before 08 June 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) View outstanding changes

- (a) to be authorised to acquire the interest of the owner compulsorily in accordance with the provisions of section 47; and
 - (b) to have served a notice to treat in respect of it on the date of service of the notice under that subsection.
- (4) Where the council propose to serve such a notice as is mentioned in subsection (1)(c), they shall first send to the Secretary of State a copy of—
- (a) the proposed notice; and
 - (b) the listed building purchase notice which was served on them.

Modifications etc. (not altering text)

- C1** S. 33: power to apply (with modifications) conferred by Local Government, Planning and Land Act 1980 (c. 65, SIF 123:1), s. 149(3)(b), **Sch. 29 Pt. II para. 10** as inserted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 44(13)**
S. 33: power to modify conferred (10.11.1993) by 1993 c. 28, s. 171(3)(b); S.I. 1993/2762, **art.3.**
- C2** S. 33 modified by S.I. 1990/1519, **reg. 13(1)**; applied (with modifications) by S.I. 1990/1519, reg. 12, **Sch. 3**
S. 33 applied (with modifications) by S.I. 1993/1075, **art.4.**
- C3** S. 33 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. 10**
- C4** S. 33 applied (with modifications) (12.10.2005) by The Thurrock Development Corporation (Planning Functions) Order 2005 (S.I. 2005/2572), **art. 5**
- C5** S. 33 applied (with modifications) (31.10.2005) by The London Thames Gateway Development Corporation (Planning Functions) Order 2005 (S.I. 2005/2721), **art. 6**
- C6** S. 33 applied (with modifications) (7.9.2006) by The Olympic Delivery Authority (Planning Functions) Order 2006 (S.I. 2006/2185), **art. 6**
- C7** Ss. 32-33 modified (W.) (30.4.2012) by The Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012 (No. 793), regs. 1, 16, **Sch. 3**
- C8** Ss. 32-50 applied in part (Isles of Scilly) (with modifications) (2.10.2013) by The Town and Country Planning (Isles of Scilly) Order 2013 (S.I. 2013/2148), arts. 1(1), 3, **Sch. 1** (with art. 1(2))
- C9** S. 33 applied (with modifications) (1.6.2023) by The Middlesbrough Development Corporation (Functions) Order 2023 (S.I. 2023/447), arts. 1(3), **6** (with art. 5, Sch. 1)
- C10** S. 33 applied (with modifications) (1.6.2023) by The Hartlepool Development Corporation (Functions) Order 2023 (S.I. 2023/446), arts. 1(3), **6** (with art. 5, Sch. 1)
- C11** S. 33(1): functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1** Table A20

Changes to legislation:

Planning (Listed Buildings and Conservation Areas) Act 1990, Section 33 is up to date with all changes known to be in force on or before 08 June 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.

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

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

- s. 3(1A)(1B) inserted by 2023 c. 55 s. 105(2)
- s. 12(4A) inserted by 2008 c. 29 Sch. 10 para. 16
- s. 16(2A) inserted by 2023 c. 55 s. 102(3)
- s. 22(2A) inserted by 2008 c. 29 Sch. 10 para. 18(2)
- s. 40(2A) inserted by 2008 c. 29 Sch. 10 para. 19
- s. 49(1) s. 49 renumbered as s. 49(1) by 2023 asc 3 Sch. 13 para. 127(b)
- s. 49(2) inserted by 2023 asc 3 Sch. 13 para. 127(c)
- s. 54(8) inserted by 2023 c. 55 s. 104(2)(c)
- s. 55(2A) inserted by 2023 c. 55 s. 104(3)(a)
- s. 55(5H)(5I) inserted by 2023 c. 55 s. 104(3)(f)
- s. 55(5BA) inserted by 2023 c. 55 s. 104(3)(d)
- s. 56A and cross-heading inserted by 2016 anaw 4 s. 31(1)
- s. 66(1A) inserted by 2023 c. 55 s. 102(4)(a)
- s. 66(2A) inserted by 2023 c. 55 s. 102(4)(b)
- s. 66(5) inserted by 2023 asc 3 Sch. 13 para. 136
- s. 82A(2)(ha) inserted by 2016 anaw 4 s. 31(2)
- s. 89(1ZA) inserted by 2008 c. 29 Sch. 10 para. 22
- s. 93(5A) inserted by 2008 c. 29 Sch. 10 para. 23(3)
- s. 93(5A) words inserted by 2013 c. 24 Sch. 17 para. 18(3)
- Sch. 3 para. 2(4A) inserted by 2008 c. 29 Sch. 10 para. 24(2)
- Sch. 3 para. 2(9) inserted by 2008 c. 29 Sch. 10 para. 24(3)
- Sch. 3 para. 3(4A)(4B) inserted by 2008 c. 29 Sch. 10 para. 24(4)
- Sch. 3 para. 6(1A) inserted by 2008 c. 29 Sch. 10 para. 24(6)