



# Planning (Listed Buildings and Conservation Areas) Act 1990

## 1990 CHAPTER 9

### PART I

#### LISTED BUILDINGS

#### CHAPTER VI

##### MISCELLANEOUS AND SUPPLEMENTAL

##### *Validity of instruments, decisions and proceedings*

#### **62 Validity of certain orders and decisions.**

- (1) Except as provided by section 63, the validity of—
- (a) any order under section 23 or 26 (whether before or after it has been confirmed); or
  - (b) any such decision by the Secretary of State as is mentioned in subsection (2),  
[<sup>F1</sup>or
  - (c) a relevant costs order made in connection with any such order or decision,]
- shall not be questioned in any legal proceedings whatsoever.
- (2) Those decisions are—
- [<sup>F2</sup>(za) any decision on a review under section 2D;]
  - (a) any decision on an application referred to the Secretary of State under section 12 or on an appeal under section 20;
  - [<sup>F3</sup>(aa) any decision to approve or reject a local listed building consent order or part of such an order;
  - (ab) any decision on an appeal under section 26K;]

*Status: Point in time view as at 01/01/2022.*

*Changes to legislation: Planning (Listed Buildings and Conservation Areas) Act 1990, Section 62 is up to date with all changes known to be in force on or before 01 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)*

- (b) any decision to confirm or not to confirm a listed building purchase notice including—
  - (i) any decision not to confirm such a notice in respect of part of the land to which it relates, and
  - (ii) any decision to grant any consent, or give any direction, in lieu of confirming such a notice, either wholly or in part;
- (c) any decision to grant listed building consent under paragraph (a) of section 41(6) or to discharge a condition or limitation under paragraph (b) of that section;
- [<sup>F4</sup>(d) any decision on an application for listed building consent under section 82B.]

[<sup>F5</sup>(2A) In this section, “relevant costs order” means an order made under section 250(5) of the Local Government Act 1972 (orders as to costs of parties), as applied by virtue of any provision of this Act. ]

- (3) Nothing in this section shall affect the exercise of any jurisdiction of any court in respect of any refusal or failure on the part of the Secretary of State to take any such decision as is mentioned in subsection (2).

#### Textual Amendments

- F1 S. 62(1)(c) and word inserted (26.10.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 16 para. 5\(a\)](#); S.I. 2015/1778, art. 3(b)(ii) (with art. 4(a))
- F2 S. 62(2)(za) inserted (31.5.2017) by [Historic Environment \(Wales\) Act 2016 \(anaw 4\)](#), [ss. 26\(11\)](#), 41(3); S.I. 2017/633, art. 4(c) (with art. 6(2))
- F3 S. 62(2)(aa)(ab) inserted (6.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 17 para. 11](#); S.I. 2014/416, art. 3(e)
- F4 S. 62(2)(d) inserted (6.8.2004 for specified purposes, otherwise 7.6.2006) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), [ss. 83\(2\)](#), 121(1) (with s. 111); S.I. 2004/2097, [art. 2](#); S.I. 2006/1281, [art. 2\(a\)](#)
- F5 S. 62(2A) inserted (26.10.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 16 para. 5\(b\)](#); S.I. 2015/1778, art. 3(b)(ii) (with art. 4(a))

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

- C1 Ss. 62–65 modified by S.I. 1990/1519, [reg. 13\(1\)](#); applied (with modifications) by S.I. 1990/1519, [reg. 12](#), [Sch. 3](#)
- C2 Ss. 62–65 modified (W.) (30.4.2012) by [The Planning \(Listed Buildings and Conservation Areas\) \(Wales\) Regulations 2012 \(No. 793\)](#), [regs. 1, 16](#), [Sch. 3](#)
- C3 S. 62 applied (with modifications) (E.) (6.4.2014) by [The Planning \(Listed Buildings and Conservation Areas\) \(Heritage Partnership Agreements\) Regulations 2014 \(S.I. 2014/550\)](#), [regs. 1\(1\), 7](#)
- C4 S. 62 applied (with modifications) (1.1.2022) by [The Listed Buildings \(Heritage Partnership Agreements\) \(Wales\) Regulations 2021 \(S.I. 2021/1177\)](#), [reg. 1](#), [Sch.](#)

**Status:**

Point in time view as at 01/01/2022.

**Changes to legislation:**

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