

*Status: Point in time view as at 01/04/1997.*

*Changes to legislation: Planning (Hazardous Substances) Act 1990 is up to date with all changes known to be in force on or before 26 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)*

## SCHEDULE

Section 21.

### DETERMINATION OF APPEALS BY PERSON APPOINTED BY SECRETARY OF STATE

#### *Determination of appeals by appointed person*

- 1 (1) The Secretary of State may by regulations prescribe the classes of appeals under section 21 which are to be determined by a person appointed by the Secretary of State for the purpose instead of by the Secretary of State.
- (2) Appeals of a prescribed class shall be so determined except in such classes of case as may for the time being be prescribed or as may be specified in directions given by the Secretary of State.
- (3) Regulations made for the purpose of this paragraph may provide for the giving of publicity to any directions given by the Secretary of State under this paragraph.
- (4) This paragraph shall not affect any provision in this Act or any instrument made under it that an appeal shall lie to, or a notice of appeal shall be served on, the Secretary of State.
- (5) A person appointed under this paragraph is referred to in this Schedule as “an appointed person”.

#### **Commencement Information**

- II** [Sch. para. 1](#) wholly in force at 1.6.1992 see [S.I. 1992/725](#), art. 3; [Sch. para. 1](#) in force for certain purposes at 11.3.1992 see [S.I. 1992/725](#), art. 2

#### *Powers and duties of appointed person*

- 2 (1) An appointed person shall have the same powers and duties as the Secretary of State has under subsection (4) of section 21.
- (2) Subsection (5) of that section shall not apply to an appeal which falls to be determined by an appointed person, but before it is determined the Secretary of State shall ask the appellant and the hazardous substances authority whether they wish to appear before and be heard by the appointed person.
- (3) If both the parties express a wish not to appear and be heard the appeal may be determined without their being heard.
- (4) If either of the parties expresses a wish to appear and be heard, the appointed person shall give them both an opportunity of doing so.
- (5) Where an appeal has been determined by an appointed person, his decision shall be treated as that of the Secretary of State.
- (6) Except as provided by section 22, the validity of that decision shall not be questioned in any proceedings whatsoever.
- (7) It shall not be a ground of application to the High Court under that section, that an appeal ought to have been determined by the Secretary of State and not by an appointed person, unless the appellant or the hazardous substances authority

*Status: Point in time view as at 01/04/1997.*

*Changes to legislation: Planning (Hazardous Substances) Act 1990 is up to date with all changes known to be in force on or before 26 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)*

challenge the appointed person's power to determine the appeal before his decision on the appeal is given.

- (8) Where in any enactment (including this Act) there is a reference to the Secretary of State in a context relating or capable of relating—
- (a) to an appeal under section 21, or
  - (b) to anything done or authorised or required to be done by, to or before the Secretary of State on or in connection with any such appeal,
- then so far as the context permits it shall be construed, in relation to an appeal determined or falling to be determined by an appointed person, as a reference to him.

#### **Commencement Information**

- I2** Sch. para. 2 wholly in force at 1.6.1992 see S.I. 1992/725, art. 3; Sch. para. 2 in force for certain purposes at 11.3.1992 see S.I. 1992/725, art. 2

#### *Determination of appeals by Secretary of State*

- 3 (1) The Secretary of State may, if he thinks fit, direct that an appeal which would otherwise fall to be determined by an appointed person shall instead be determined by the Secretary of State.
- (2) Such a direction shall state the reasons for which it is given and shall be served on the appellant, the hazardous substances authority, any person who made representations relating to the subject matter of the appeal which the authority were required to take into account by regulations made under section 8(4) or, as the case may be, regulations made under section 17(2) making provision corresponding to section 8(4) and, if any person has been appointed under paragraph 1, on him.
- (3) Where in consequence of such a direction an appeal under section 21 falls to be determined by the Secretary of State, the provisions of this Act which are relevant to the appeal shall, subject to the following provisions of this paragraph, apply to the appeal as if this Schedule had never applied to it.
- (4) The Secretary of State shall give the appellant, the hazardous substances authority and any person who has made such representations as are referred to in sub-paragraph (2) an opportunity of appearing before and being heard by a person appointed by the Secretary of State for that purpose if—
- (a) the reasons for the direction raise matters with respect to which any of those persons have not made representations; or
  - (b) in the case of the appellant or the hazardous substances authority, either of them was not asked in pursuance of paragraph 2(2) whether they wished to appear before and be heard by the appointed person, or expressed no wish in answer to that question, or expressed a wish to appear and be heard but was not given an opportunity of doing so.
- (5) Except as provided by sub-paragraph (4), the Secretary of State need not give any person an opportunity of appearing before and being heard by a person appointed for the purpose, or of making fresh representations or making or withdrawing any representations already made.
- (6) In determining the appeal the Secretary of State may take into account any report made to him by any person previously appointed to determine it.

*Status: Point in time view as at 01/04/1997.*

*Changes to legislation: Planning (Hazardous Substances) Act 1990 is up to date with all changes known to be in force on or before 26 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)*

#### Commencement Information

**I3** Sch. para. 3 wholly in force at 1.6.1992 see S.I. 1992/725, art. 3; Sch. para. 3 in force for certain purposes at 11.3.1992, see S.I. 1992/725, art. 2

- 4
- (1) The Secretary of State may by a further direction revoke a direction under paragraph 3 at any time before the determination of the appeal.
  - (2) Such a further direction shall state the reasons for which it is given and shall be served on the person, if any, previously appointed to determine the appeal, the appellant, the hazardous substances authority and any person who made representations relating to the subject matter of the appeal which the authority were required to take into account by regulations made under section 8(4) or, as the case may be, regulations made under section 17(2) making provision corresponding to section 8(4).
  - (3) Where such a further direction has been given the provisions of this Schedule relevant to the appeal shall apply, subject to sub-paragraph (4), as if no direction under paragraph 3 had been given.
  - (4) Anything done by or on behalf of the Secretary of State in connection with the appeal which might have been done by the appointed person (including any arrangements made for the holding of a hearing or local inquiry) shall, unless that person directs otherwise, be treated as having been done by him.

#### Commencement Information

**I4** Sch. para. 4 wholly in force at 1.6.1992 see S.I. 1992/725, art. 3; Sch. para. 4 in force for certain purposes at 11.3.1992 see S.I. 1992/725, art. 2

#### *Appointment of another person to determine appeal*

- 5
- (1) At any time before the appointed person has determined the appeal the Secretary of State may—
    - (a) revoke his appointment; and
    - (b) appoint another person under paragraph 1 to determine the appeal instead.
  - (2) Where such a new appointment is made the consideration of the appeal or any inquiry or other hearing in connection with it shall be begun afresh.
  - (3) Nothing in sub-paragraph (2) shall require—
    - (a) the question referred to in paragraph 2(2) to be asked again with reference to the new appointed person if before his appointment it was asked with reference to the previous appointed person (any answers being treated as given with reference to the new appointed person); or
    - (b) any person to be given an opportunity of making fresh representations or modifying or withdrawing any representations already made.

#### Commencement Information

**I5** Sch. para. 5 wholly in force at 1.6.1992 see S.I. 1992/762, art. 3; Sch. para. 5 in force for certain purposes at 11.3.1992 see S.I. 1992/725, art. 2

*Status: Point in time view as at 01/04/1997.*

*Changes to legislation: Planning (Hazardous Substances) Act 1990 is up to date with all changes known to be in force on or before 26 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)*

*Local inquiries and hearings*

- 6 (1) Whether or not the parties to an appeal have asked for an opportunity to appear and be heard, an appointed person—
- (a) may hold a local inquiry in connection with the appeal; and
  - (b) shall do so if the Secretary of State so directs.
- (2) Where an appointed person—
- (a) holds a hearing by virtue of paragraph 2(4); or
  - (b) holds an inquiry by virtue of this paragraph,
- an assessor may be appointed by the Secretary of State to sit with the appointed person at the hearing or inquiry to advise him on any matters arising, notwithstanding that the appointed person is to determine the appeal.
- (3) Subject to sub-paragraph (4), the costs—
- (a) of any hearing held by virtue of paragraph 2(4); and
  - (b) of any inquiry held under this paragraph,
- shall be defrayed by the Secretary of State.
- (4) Section 250(2) to (5) of the <sup>M1</sup>Local Government Act 1972 (local inquiries: evidence and costs) applies to an inquiry held by virtue of this paragraph with the following adaptations—
- (a) for the references in subsection (4) (recovery of costs of holding the inquiry) to the Minister causing the inquiry to be held there shall be substituted references to the Secretary of State; and
  - (b) for the reference in subsection (5) (orders as to the costs of the parties) to the Minister causing the inquiry to be held there shall be substituted a reference to the appointed person or the Secretary of State.
- (5) Subject to sub-paragraph (6), at any such inquiry oral evidence shall be heard in public and documentary evidence shall be open to public inspection.
- (6) If the Secretary of State is satisfied in the case of any such inquiry—
- (a) that giving evidence of a particular description or, as the case may be, making it available for inspection would be likely to result in the disclosure of information as to any of the matters mentioned in sub-paragraph (7); and
  - (b) that the public disclosure of that information would be contrary to the national interest,
- he may direct that evidence of the description indicated in the direction shall only be heard or, as the case may be, open to inspection at that inquiry by such persons or persons of such descriptions as he may specify in that direction.
- (7) The matters referred to in sub-paragraph (6)(a) are—
- (a) national security; and
  - (b) the measures taken or to be taken to ensure the security of any premises or property.
- [<sup>F1</sup>(8) The appointed person or the Secretary of State has the same power to make orders under section 250(5) of the <sup>M2</sup>Local Government Act 1972 (orders with respect to costs of the parties) in relation to proceedings under this Schedule which do not give rise to an inquiry as he has in relation to such an inquiry.]

*Status: Point in time view as at 01/04/1997.*

*Changes to legislation: Planning (Hazardous Substances) Act 1990 is up to date with all changes known to be in force on or before 26 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)*

#### Textual Amendments

- F1** Sch. para. 6(8) omitted (temp.) by virtue of [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 6, [Sch. 4 paras. 1, 16](#) (which temp. omission falls (2.1.1992) for specified purposes only by virtue of [S.I. 1991/2698](#), [arts. 3, 4](#))

#### Commencement Information

- I6** Sch. para. 6 wholly in force at 1.6.1992 see [S.I. 1992/725](#), art. 3; Sch. para. 6 in force for certain purposes at 11.3.1992 see [S.I. 1992/725](#), art. 2

#### Marginal Citations

- M1** [1972 c. 70](#).  
**M2** [1972 c. 70](#).

### *Supplementary provisions*

- 7 (1) The <sup>M3</sup>Tribunals and Inquiries Act [<sup>F2</sup>1992] shall apply to a local inquiry or other hearing held in pursuance of this Schedule as it applies to a statutory inquiry held by the Secretary of State, but as if in [<sup>F3</sup>section 10(1)] of that Act (statement of reasons for decisions) the reference to any decision taken by the Secretary of State were a reference to a decision taken by an appointed person.
- (2) Where an appointed person is an officer of the Department of the Environment or the Welsh Office the functions of determining an appeal and doing anything in connection with it conferred on him by this Schedule shall be treated for the purposes of the <sup>M4</sup>Parliamentary Commissioner Act 1967—
- if he was appointed by the Secretary of State for the time being having general responsibility in planning matters in relation to England, as functions of that Department; and
  - if he was appointed by the Secretary of State for the time being having general responsibility in planning matters in relation to Wales, as functions of the Welsh Office.

#### Textual Amendments

- F2** Words in [Sch. 3 para. 7\(1\)](#) substituted (1.10.1992) by [Tribunals and Inquiries Act 1992 \(c. 53, SIF 127\)](#), ss. 18(1), 19(2), [Sch. 3 para. 34\(a\)](#)
- F3** Words in [Sch. para. 7\(1\)](#) substituted (1.10.1992) by [Tribunals and Inquiries Act 1992 \(c. 53, SIF 127\)](#), ss. 18(1), 19(2), [Sch. 3 para. 34\(b\)](#)

#### Commencement Information

- I7** [Sch. para. 7](#) wholly in force at 1.6.1992 see [S.I. 1992/725](#), art. 3; [Sch. para. 7](#) in force for certain purposes at 11.3.1992 see [S.I. 1992/725](#), art. 2

#### Marginal Citations

- M3** [1971 c. 62](#).  
**M4** [1967 c. 13](#).

*Status: Point in time view as at 01/04/1997.*

*Changes to legislation: Planning (Hazardous Substances) Act 1990 is up to date with all changes known to be in force on or before 26 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)*

### *Table of Derivations*

*Notes:*

1	The following abbreviations are used in this Table:—																												
	<table border="0" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 30%;">1969 c.48 =</td><td>The Post Office Act 1969</td></tr> <tr><td>1971 c.78 =</td><td>The Town and Country Planning Act 1971</td></tr> <tr><td>1973 c.41 =</td><td>The Fair Trading Act 1973</td></tr> <tr><td>1981 c.41 =</td><td>The Local Government and Planning (Amendment) Act 1981</td></tr> <tr><td>1982 c.16 =</td><td>The Civil Aviation Act 1982</td></tr> <tr><td>1982 c.21 =</td><td>The Planning Inquiries (Public) Act 1982</td></tr> <tr><td>1984 c.10 =</td><td>The Town and Country Planning Act 1984</td></tr> <tr><td>1985 c.9 =</td><td>The Companies (Consequential Provisions) Act 1985</td></tr> <tr><td>1986 c.44=</td><td>The Gas Act 1986</td></tr> <tr><td>1986 c.63 =</td><td>The Housing and Planning Act 1986</td></tr> <tr><td>1988 c.4 =</td><td>The Norfolk and Suffolk Broads Act 1988</td></tr> <tr><td>1988 c.50 =</td><td>The Housing Act 1988</td></tr> <tr><td>1989 c.15 =</td><td>The Water Act 1989</td></tr> <tr><td>1989 c.29 =</td><td>The Electricity Act 1989</td></tr> </table>	1969 c.48 =	The Post Office Act 1969	1971 c.78 =	The Town and Country Planning Act 1971	1973 c.41 =	The Fair Trading Act 1973	1981 c.41 =	The Local Government and Planning (Amendment) Act 1981	1982 c.16 =	The Civil Aviation Act 1982	1982 c.21 =	The Planning Inquiries (Public) Act 1982	1984 c.10 =	The Town and Country Planning Act 1984	1985 c.9 =	The Companies (Consequential Provisions) Act 1985	1986 c.44=	The Gas Act 1986	1986 c.63 =	The Housing and Planning Act 1986	1988 c.4 =	The Norfolk and Suffolk Broads Act 1988	1988 c.50 =	The Housing Act 1988	1989 c.15 =	The Water Act 1989	1989 c.29 =	The Electricity Act 1989
1969 c.48 =	The Post Office Act 1969																												
1971 c.78 =	The Town and Country Planning Act 1971																												
1973 c.41 =	The Fair Trading Act 1973																												
1981 c.41 =	The Local Government and Planning (Amendment) Act 1981																												
1982 c.16 =	The Civil Aviation Act 1982																												
1982 c.21 =	The Planning Inquiries (Public) Act 1982																												
1984 c.10 =	The Town and Country Planning Act 1984																												
1985 c.9 =	The Companies (Consequential Provisions) Act 1985																												
1986 c.44=	The Gas Act 1986																												
1986 c.63 =	The Housing and Planning Act 1986																												
1988 c.4 =	The Norfolk and Suffolk Broads Act 1988																												
1988 c.50 =	The Housing Act 1988																												
1989 c.15 =	The Water Act 1989																												
1989 c.29 =	The Electricity Act 1989																												
2	The letter R followed by a number indicates that the provision gives effect to the Recommendation bearing that number in the Law Commission’s Report on the Consolidation of Certain Enactments relating to Town and Country Planning (Cmnd.958).																												
3	The entry “drafting” indicates a provision of a mechanical or editorial nature only affecting the arrangement of the consolidation.																												
	<table border="0" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; width: 30%;"><b>Provision</b></th> <th style="text-align: left;"><b>Derivation</b></th> </tr> </thead> <tbody> <tr><td>1</td><td>1971 c.78 s.1A(1); 1986 c.63 s.30.</td></tr> <tr><td>2(1)</td><td>1971 c.78 s.1B(1), (2); 1986 c.63 s.30.</td></tr> <tr><td>(2)</td><td>1971 c.78 s.1B(3)(4); 1986 c.63 s.30.</td></tr> <tr><td>(3)</td><td>1971 c.78 s.1B(5); 1986 c.63 s.30.</td></tr> <tr><td>(4)</td><td>1971 c.78 s.1B(4); 1986 c.63 s.30.</td></tr> <tr><td>3(1)</td><td>1971 c.78 s.1A(2); 1986 c.63 s.30.</td></tr> <tr><td>(2)</td><td>1971 c.78 s.1A(3); 1986 c.63 s.30.</td></tr> </tbody> </table>	<b>Provision</b>	<b>Derivation</b>	1	1971 c.78 s.1A(1); 1986 c.63 s.30.	2(1)	1971 c.78 s.1B(1), (2); 1986 c.63 s.30.	(2)	1971 c.78 s.1B(3)(4); 1986 c.63 s.30.	(3)	1971 c.78 s.1B(5); 1986 c.63 s.30.	(4)	1971 c.78 s.1B(4); 1986 c.63 s.30.	3(1)	1971 c.78 s.1A(2); 1986 c.63 s.30.	(2)	1971 c.78 s.1A(3); 1986 c.63 s.30.												
<b>Provision</b>	<b>Derivation</b>																												
1	1971 c.78 s.1A(1); 1986 c.63 s.30.																												
2(1)	1971 c.78 s.1B(1), (2); 1986 c.63 s.30.																												
(2)	1971 c.78 s.1B(3)(4); 1986 c.63 s.30.																												
(3)	1971 c.78 s.1B(5); 1986 c.63 s.30.																												
(4)	1971 c.78 s.1B(4); 1986 c.63 s.30.																												
3(1)	1971 c.78 s.1A(2); 1986 c.63 s.30.																												
(2)	1971 c.78 s.1A(3); 1986 c.63 s.30.																												

---

*Status: Point in time view as at 01/04/1997.*

**Changes to legislation:** *Planning (Hazardous Substances) Act 1990 is up to date with all changes known to be in force on or before 26 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)*

---

- |           |   |
|-----------|---|
| (3)       | 1971 c.78 s.1A(3A); 1988 c.4 Sch. 3 para.9; R 54. |
| (4)       | 1971 c.78 s.1A(4); 1986 c.63 s.30; R 54.          |
| (5)       | 1988 c.50 s.67(6); R 54.                          |
| (6)       | 1971 c.78 s.1A(1)(part); 1986 c.63 s.30.          |
| 4(1),(2)  | 1971 c.78 s.58B(1); 1986 c.63 s.31.               |
| (3)       | 1971 c.78 s.58B(2); 1986 c.63 s.31.               |
| (4)       | 1971 c.78 s.58B(3)(b); 1986 c.63 s.31.            |
| (5)       | 1971 c.78 s.58B(6); 1986 c.63 s.31.               |
| 5(1)      | 1971 c.78 s.58B(3)(a), (3)(c); 1986 c.63 s.31.    |
| (2)       | 1971 c.78 s.58B(4); 1986 c.63 s.31.               |
| (3)       | 1971 c.78 s.58B(5); 1986 c.63 s.31.               |
| (4)       | 1971 c.78 s.58B(6); 1986 c.63 s.31.               |
| 6(1)      | 1971 c.78 ss.58C, 58F; 1986 c.63 s.34.            |
| (2)       | 1971 c.78 s.58J(1); 1986 c.63 s.31.               |
| 7(1)      | 1971 c.78 s.58C(1); 1986 c.63 s.31.               |
| (2)       | 1971 c.78 s.58C(4); 1986 c.63 s.31.               |
| (3)       | 1971 c.78 s.58C(5); 1986 c.63 s.31.               |
| (4)       | 1971 c.78 s.58C(6); 1986 c.63 s.31.               |
| 8(1)to(5) | 1971 c.78 s.58C(2); 1986 c.63 s.31.               |
| (6)       | 1971 c.78 s.58C(3); 1986 c.63 s.31.               |
| (7)       | 1971 c.78 s.58C(6); 1986 c.63 s.31.               |
| (8)       | 1971 c.78 s.27(7).                                |
| 9(1)      | 1971 c.78 s.58D(1)(part); 1986 c.63 s.31.         |
| (2)       | 1971 c.78 s.58D(1)(2); 1986 c.63 s.31.            |
| (3)       | 1971 c.78 s.58D(3); 1986 c.63 s.31.               |
| (4)       | 1971 c.78 s.58D(4)(part); 1986 c.63 s.31.         |
| 10(1)     | 1971 c.78 s.58D(5); 1986 c.63 s.31.               |
| (2)       | 1971 c.78 s.58D(5); 1986 c.63 s.31; R 55.         |
| (3)       | 1971 c.78 s.58D(4)(c); 1986 c.63 s.31.            |
| 11(1)     | 1986 c.63 s.34(3).                                |
| (2)       | 1986 c.63 s.34(4).                                |

*Status: Point in time view as at 01/04/1997.*

*Changes to legislation: Planning (Hazardous Substances) Act 1990 is up to date with all changes known to be in force on or before 26 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)*

(3)	1986 c.63 s.34(5).
(4)	1986 c.63 s.34(6).
(5)	1986 c.63 s.34(7).
(6)	1986 c.63 s.34(8).
(7)	1986 c.63 s.34(9).
(8)	1986 c.63 s.34(10).
12(1)	1971 c.78 s.58F(1); 1986 c.63 s.31.
(2)	1989 c. 29 Sch. 8 para. 7(2).
(3)	1971 c.78 s.58F(2); 1986 c.63 s.31; 1989 c. 29 Sch. 8 para. 7(2).
(4)	1971 c.78 s.58F(4); 1986 c.63 s.31.
(5)	1971 c.78 s.58F(3); 1986 c.63 s.31.
13(1)	1971 c.78 s.58G(1); 1986 c.63 s.31.
(2)to(4)	1971 c.78 s.58G(2); 1986 c.63 s.31.
(5)to(7)	1971 c.78 s.58G(3) to (5); 1986 c.63 s.31.
14(1)	1971 c.78 s.58H(3); 1986 c.63 s.31.
(2), (3)	1971 c.78 s.58H(1)(part), (2); 1986 c.63 s.31.
(4)	1971 c.78 s.58H(4); 1986 c.63 s.31.
15(1), (2)	1971 c.78 s.58H(5); 1986 c.63 s.31.
(3) to (5)	1971 c.78 s.58H(6); 1986 c.63 s.31.
(6)	1971 c.78 c.58H(7); 1986 c.63 s.31.
16(1)	1971 c.78 s.58H(8); 1986 c.63 s.31.
(2) to (4)	1971 c.78 s.170(2) to (4).
(5)	Drafting.
17(1)	1971 c.78 s.58J(2); 1986 c.63 s.31.
(2)	1971 c.78 s.58J(3); 1986 c.63 s.31.
18(1)	1971 c.78 s.58J(4)(part); 1986 c.63 s.31.
(2)	1971 c.78 s.58J(4)(part),(5); 1986 c.63 s.31.
(3)	1971 c.78 s.58J(6); 1986 c.63 s.31.
(4)	1971 c.78 s.58J(7); 1986 c.63 s.31.
(5)	1971 c.78 s.58J(8); 1986 c.63 s.31.
(6)	1971 c.78 s.58J(9); 1986 c.63 s.31; R 56.



---

*Status: Point in time view as at 01/04/1997.*

**Changes to legislation:** *Planning (Hazardous Substances) Act 1990 is up to date with all changes known to be in force on or before 26 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)*

---

(7)	1971 c.78 s.58J(10),(11),(a),(d), s.37; 1986 c.63 s.31.
19	1971 c.78 s.58J(12); 1986 c.63 s.31.
20(1)	1971 c.78 ss.35(1), 58E, 58J(10),(11); 1986 c.63 s.31.
(2)	1971 c.78 ss.35(2), 58E, 58J(10),(11); 1986 c.63 s.31.
(3)	1971 c.78 ss.35(3), 58E, 58J(10),(11); 1986 c.63 s.31.
(4)	1971 c.78 ss.35(5), 58E, 58J(10),(11); 1986 c.63 s.31.
(5)	1971 c.78 ss.35(6), 58E, 58J(10),(11); 1986 c.63 s.31.
(6)	1971 c.78 s.58E(3); 1986 c.63 s.31.
21(1)	1971 c.78 ss.58E, 58J(10),(11), 36(1); 1986 c.63 s.31; R 57.
(2)	1971 c.78 ss.58E, 58J(10),(11), 37; 1986 c.63 s.31; R 8(a).
(3)	1971 c.78 ss.58E, 58J(10),(11), 36(2); 1986 c.63 s.31.
(4)	1971 c.78 ss.58E, 58J(10),(11), 36(3); 1986 c.63 s.31.
(5)	1971 c.78 ss.58E, 58J(10),(11), 36(4); 1986 c.63 s.31.
(6)	1971 c.78 ss.58E, 58J(10),(11) 36(6); 1986 c.63 s.31.
(7)	1971 c.78 s.58E(3); 1986 c.63 s.31.
(8)	1971 c.78 ss.36(8), 58E, 58J(10),(11); 1986 c.63 s.31.
22(1)	1971 c.78 s.245(1); R 57 and R 58.
(2)	1971 c.78 s.245(2) (7); R 57 and R 58.
(3)	1971 c.78 s.245(4).
(4)	1971 c.78 s.245(7)(part); 1972 c.70 Sch.16 para.46.
(5)	1971 c.78 s.242(1)(e), (3)(dd); 1986 c.63 Sch.7 para.2; R 57.
(6)	1971 c.78 s.242(4).
23	1971 c.78 s.58K; 1986 c.63 s.31.
24(1)	1971 c.78 s.101B(1),(3); 1986 c.63 s.32.

*Status: Point in time view as at 01/04/1997.*

*Changes to legislation: Planning (Hazardous Substances) Act 1990 is up to date with all changes known to be in force on or before 26 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)*

(2)	1971 c.78 s.101B(3)(part); 1986 c.63 s.32.
(3)	1971 c.78 s.101B(2); 1986 c.63 s.32.
(4) to (9)	1971 c.78 s.101B(4) to (9); 1986 c.63 s.32.
25(1) to (3)	1971 c.78 s.101B (10) to (12); 1986 c.63 s.32.
(4)	1971 c.78 s.110(2).
26	1986 c.63 s.34(1),(2),(10).
27	1971 c.78 s.58L; 1986 c.63 s.31.
28	1971 c.78 s.58M; 1986 c.63 s.31; R 55, R 59.
29(1),(2)	1971 c.78 s.58N(1); 1986 c.63 s.31.
(3)	1971 c.78 s.58N(2); 1986 c.63 s.31.
(4)	1971 c.78 s.58N(3); 1986 c.63 s.31.
(5)	1971 c.78 s.58N(4); 1986 c.63 s.31.
(6)	1971 c.78 s.58N(5); 1986 c.63 s.31.
30(1)	1971 c.78 s.271A(1); 1986 c.63 Sch.7 Part I para.5.
(2)	1971 c.78 s.271A(2); 1986 c.63 Sch.7 Part I para.5.
31(1)	1971 c.78 s.266(1)(b).
(2)	1971 c.78 s.266(2)(a); 1981 c.41 Sch. para.20; 1986 c.63 Sch.7 Part I para. 3.
(3)	1971 c.78 s.266(7).
(4)	1984 c.10 s.4(1).
(5)	1971 c.78 s.266(7); 1984 c.10 s.6(1).
(6)	1971 c.78 s.266(7)(part).
32(1)	1984 c.10 s.1(1); 1986 c.10 Sch.7 Part I para. 8.
(2)	1984 c.10 s.1(2).
(3)	1984 c.10 s.1(3A); 1986 c.10 Sch.7 para. 8.
(4)	1984 c.10 s.1(5); R 60.
(5)	1984 c.10 s.1(7).
(6)	1984 c.10 ss.1(6), 6(1),(2).
(7)	1984 c.10 s.6(1),(2).
(8)	1984 c.10 s.4(1).

---

*Status: Point in time view as at 01/04/1997.*

**Changes to legislation:** Planning (Hazardous Substances) Act 1990 is up to date with all changes known to be in force on or before 26 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)

---

33	1971 c.78 s.273.
34(1)to(3)	1971 c.78 s.274(1)to(3).
(4)	1971 c.78 s.274(5).
35	1971 c.78 s.269(2); 1986 c.63 Sch.7 Part I para.4.
36(1)	1971 c.78 s.280(1A); 1986 c.63 Sch.7 Part I para.6.
(2)	1971 c.78 s.280(4)(part); 1986 c.63 Sch.7 Part I para.6.
(3)	1971 c.78 s.280(6),(6A); 1986 c.63 Sch.7 Part I para.6.
(4)	1971 c.78 s.280(8); 1986 c.63 Sch.7 Part I para.6; R 61.
(5)	1971 c.78 s.280(9).
(6)	1971 c.78 s.281, drafting.
37	1971 c.28 ss. 282, 282A, 282B, 283, 284, 285; 1986 c.63 Sch. 11 paras. 9, 10.
38(1)	1971 c.78 s.254.
(2)	1971 c.78 s.255(2)(b); R 62.
(3)	1971 c.78 s.255(3).
(4)	1971 c.78 s.255(5).
(5)	1971 c.78 s.263(1); 1972 c.70 Sch. 29 Pt. I para. 3(b).
(6),(7)	1971 c.78 ss. 260(1)(part), 262; 1986 c.63 s.56.
39(1),(2)	1971 c.78 s.290(1); 1986 c. 44 Sch. 7 para. 2(9)(e); 1986 c.63 Sch.7 Part I para.7(a),(b).
(3)	1971 c.78 s.58B(7); 1973 c.41 s.137(5); 1985 c.9 Sch.2; 1986 c.63 s.31.
(4)	1986 c.44 Sch.7 para.2(1),(9).
(5)	1989 c.15 Sch.25 para. 1(1),(2),(10).
(6)	1969 c.49 Sch. 4 para. 93;1982 c.16 Sch. 2 para. 4; 1989 c.29 Sch. 16 para. 1(1)(xxii).
(7),(8)	1971 c.78 s.290(2).
40(1)	1971 c.78 s.287(1)(b).
(2),(3)	1971 c.78 s.287(2).
41(1)	Drafting.

*Status: Point in time view as at 01/04/1997.*

*Changes to legislation: Planning (Hazardous Substances) Act 1990 is up to date with all changes known to be in force on or before 26 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)*

(2)	Drafting.
(3)	1986 c.63 s.57(2).
(4)	Drafting.
Sch. para.1(1)	1971 c.78 Sch.9 para.1(1).
(2)	1971 c.78 Sch.9 para.1(1).
(3)	1971 c.78 Sch.9 para.1(2).
(4)	1971 c.78 Sch.9 para.1(3).
(5)	Drafting.
para.2(1)	1971 c.78 Sch.9 para.2(1).
(2)	1971 c.78 Sch.9 para.2(2).
(3)	1971 c.78 Sch.9 para.2(2)(a).
(4)	1971 c.78 Sch.9 para.2(2)(b).
(5)	1971 c.78 Sch.9 para.3.
(6)	1971 c.78 Sch.9 para.2(3)(a).
(7)	1971 c.78 Sch.9 para.2(3)(b).
(8)	1971 c.78 Sch.9 para.2(4).
para.3(1)	1971 c.78 Sch.9 para.3(1).
(2)	1971 c.78 Sch.9 para.3(2); R 52.
(3)	1971 c.78 Sch.9 para.3(3).
(4)	1971 c.78 Sch.9 para.3(4); R 52.
(5)	1971 c.78 Sch.9 para.3(5).
(6)	1971 c.78 Sch.9 para.3(5).
para.4(1)	1971 c.78 Sch.9 para.3A(1); 1986 c.63 Sch.11 para.11.
(2)	1971 c.78 Sch.9 para.3A(2); 1986 c.63 Sch.11 para.11; R 52.
(3)	1971 c.78 Sch.9 para.3A(3); 1986 c.63 Sch.11 para.11.
(4)	1971 c.78 Sch.9 para.3A(4); 1986 c.63 Sch.11 para.11.
para.5(1)	1971 c.78 Sch.9 para.4(1).
(2)	1971 c.78 Sch.9 para.4(2)(a).
(3)	1971 c.78 Sch.9 para.4(2).
para.6(1)	1971 c.78 Sch.9 para.5(1).
(2)	1971 c.78 Sch.9 para.5(1A); 1986 c.63 Sch.11 para.12.
(3)	1971 c.78 Sch.9 para.5(2).

---

**Status:** Point in time view as at 01/04/1997.

**Changes to legislation:** Planning (Hazardous Substances) Act 1990 is up to date with all changes known to be in force on or before 26 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)

---

(4)	1971 c.78 Sch.9 para.5(3); 1986 c.63 Sch.11 para.8(2).
(5)	1982 c.21 s.1(1).
(6)	1982 c.21 s.1(2),(3).
(7)	1982 c.21 s.1(4).
(8)	1971 c.78 Sch.9 para.5(4); 1986 Sch.11 para.9(2).
para.7	1971 c.78 Sch.9 para.7.

---

**Status:**

Point in time view as at 01/04/1997.

**Changes to legislation:**

Planning (Hazardous Substances) Act 1990 is up to date with all changes known to be in force on or before 26 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.