



Planning (Hazardous Substances) Act 1990

1990 CHAPTER 10

Supplemental

40 Regulations [^{F1}and orders].

- (1) The Secretary of State may make regulations under this Act for any purpose for which regulations are authorised or required to be made under this Act, not being 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.
- (3) Any statutory instrument containing regulations made under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- [^{F2}(4) Regulations may make different provision for different purposes.]
- [^{F3}(5) Regulations made under this Act and orders made under this Act by statutory instrument may make consequential, supplementary, incidental, transitional, transitory or saving provision.]

Textual Amendments

- F1** Words in s. 40 heading inserted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), [ss. 130\(6\)\(a\)](#), [255\(3\)\(a\)](#) (with [s. 247](#))
- F2** S. 40(4) inserted (6.8.2004 for specified purposes) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), [Sch. 6 para. 27](#) (with [s. 111](#)); [S.I. 2004/2097](#), [art. 2](#)
- F3** S. 40(5) inserted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), [ss. 130\(6\)\(b\)](#), [255\(3\)\(a\)](#) (with [s. 247](#))

Changes to legislation: Planning (Hazardous Substances) Act 1990, Section 40 is up to date with all changes known to be in force on or before 28 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](#)

Commencement Information

- II** S. 40 wholly in force at 1.6.1992 see S.I. 1992/725, art. 3; s. 40 in force for certain purposes at 11.3.1992 see S.I. 1992/725, art. 2

Changes to legislation:

Planning (Hazardous Substances) Act 1990, Section 40 is up to date with all changes known to be in force on or before 28 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(4A) inserted by [2023 c. 55 Sch. 17 para. 4\(b\)](#)
- s. 9(2)(ca) inserted by [2023 c. 55 Sch. 6 para. 14](#)
- s. 12(2C) inserted by [2024 asc 3 Sch. 3 para. 5\(4\)](#)
- s. 20(4A) inserted by [2008 c. 29 Sch. 10 para. 26](#)
- s. 21(5A) inserted by [2008 c. 29 Sch. 10 para. 27](#)
- s. 37(3) inserted by [2008 c. 29 Sch. 10 para. 29](#)
- Sch. para. 2(4A) inserted by [2008 c. 29 Sch. 10 para. 30\(2\)](#)
- Sch. para. 2(9) inserted by [2008 c. 29 Sch. 10 para. 30\(3\)](#)
- Sch. para. 3(4A)(4B) inserted by [2008 c. 29 Sch. 10 para. 30\(4\)](#)
- Sch. para. 6(1A) inserted by [2008 c. 29 Sch. 10 para. 30\(6\)](#)