

Status: Point in time view as at 31/10/1994.

Changes to legislation: There are currently no known outstanding effects for the Planning (Consequential Provisions) Act 1990, SCHEDULE 3. (See end of Document for details)

SCHEDULES

SCHEDULE 3

Sections 3, 4 and 5.

TRANSITIONAL PROVISIONS AND SAVINGS

Modifications etc. (not altering text)

C1 Sch. 3 modified (E.W.) by [Town and Country Planning Act 1990 \(c. 8, SIF 123:1\)](#), [s. 298\(1\)\(a\)](#)

- 1 The repeal by this Act of a provision relating to the coming into force of a provision reproduced in the consolidating Acts does not affect the operation of that provision, in so far as it is not specifically reproduced in the consolidating Acts but remains capable of having effect, in relation to the corresponding provision of the consolidating Acts.
- 2 (1) The repeal by this Act of an enactment previously repealed subject to savings does not affect the continued operation of those savings.
(2) The repeal by this Act of a saving to which a previous repeal of an enactment is subject does not affect the operation of the saving in so far as it is not specifically reproduced in the consolidating Acts but remains capable of having effect.
- 3 Without prejudice to the generality of paragraphs 1 and 2, notwithstanding the repeal by this Act of Schedule 24 to the 1971 Act, the provisions of that Schedule shall continue to have effect, in so far as they are not specifically reproduced in this Schedule and remain capable of having effect, with any reference in those provisions to any provision of the repealed enactments which is reproduced in the consolidating Acts being taken, so far as the context permits, as including a reference to the corresponding provision of those Acts.

Modifications etc. (not altering text)

C2 [Sch. 3 para. 3](#) ceased to have effect (25.09.1991) (*in relation to certain rights, claims or liabilities*) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), [s. 31\(4\)](#), [Sch. 6 para.49](#); [S.I. 1991/2067](#), [art.3](#).

- 4 The repeal by this Act of an enactment which has effect as respects any provision of the repealed enactments (being a provision which is not reproduced in the consolidating Acts but continues in effect by virtue of this Schedule or the ^{M1}Interpretation Act 1978) does not affect its operation as respects that provision.

Marginal Citations

M1 [1978 c. 30](#).

- 5 Any document made, served or issued after this Act comes into force which contains a reference to any of the repealed enactments shall be construed, except so far as a

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contrary intention appears, as referring or, as the context may require, including a reference to the corresponding provision of the consolidating Acts.

- 6 Where any provision of the repealed enactments amends an enactment (not being an enactment reproduced in the consolidating Acts) which is repealed or partly repealed by another enactment which is not in force when this Act comes into force, that provision shall continue to have effect, notwithstanding its repeal by this Act, but subject to section 2(4) of this Act.
- 7 (1) In any regulations in force under section 91 of the 1971 Act (execution and cost of works required by enforcement notice) references to an enforcement notice, and an enforcement notice a copy of which has been served in respect of any breach of planning control, include a reference to a notice served under section 103 of that Act or section 207 of the principal Act (enforcement of duties as to replacement of trees).
- (2) Section 319(3) of the principal Act shall apply to this paragraph as it applies to the provisions there mentioned.
- 8 (1) Where the planning permission referred to in section 257 of the principal Act relates to a transferred matter, as defined in section 86(11) of the ^{M2}Local Government, Planning and Land Act 1980, but was granted by a county planning authority before the transfer date, as so defined, the district planning authority shall be the competent authority for the purposes of that section.
- (2) Section 319(1) of the principal Act shall apply to this paragraph as it applies to the provisions there mentioned.

Marginal Citations

M2 1980 c. 65.

- 9 The expression “statutory undertakers” in any provision of the consolidating Acts shall, as respects any time when the corresponding provision in the repealed enactments (or any enactment replaced by them) was in force, have the same meaning as that expression had at that time in that provision.
- 10 (1) In the case of an enforcement notice served before 27th July 1981, section 285(2) of the principal Act has effect with the following modifications.
- (2) In paragraph (a) for the words “issued under that Part” there shall be substituted the words “served under Part V of the 1971 Act”.
- (3) For paragraph (b) there shall be substituted—
 “(b) did not have the enforcement notice or a copy of it served on him under that Part of that Act”.
- (4) In paragraph (c)—
 (a) in sub-paragraph (i) for the word “issued” there shall be substituted the word “served”; and
 (b) in sub-paragraph (ii) the words “with a copy of it” shall be omitted.
- (5) References in the principal Act to section 285(2) shall, so far as the context permits, be construed as including references to this paragraph.

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- 11 (1) The repeal by Part II of Schedule 1 to this Act of section 1(8) of the ^{M3}Town and Country Planning Act 1984 (which validates certain permissions granted in respect of Crown land before 12th August 1984) shall not affect any permission to which that section applies immediately before the date on which the principal Act comes into force (and accordingly any such permission has effect and is deemed always to have had effect as provided in section 299(3) of the principal Act).
- (2) The repeal by that Part of that Schedule of section 2(7) of that Act of 1984 (which makes similar provision as to orders for the preservation of trees) shall not affect any order to which that section applies immediately before the date on which the principal Act comes into force (and accordingly any such order has effect and is deemed always to have had effect as provided in section 300(3) of the principal Act).
- (3) The repeal by that Part of that Schedule of section 1(8) of that Act of 1984 (which makes similar provision as to listed building consents and conservation area consents) shall not affect any order to which that section applies immediately before the date on which the ^{M4}Planning (Listed Buildings and Conservation Areas) Act 1990 comes into force (and accordingly any such consent has effect and is deemed always to have had effect as provided in section 84(3) of the ^{M5}Planning (Listed Buildings and Conservation Areas) Act 1990).
- (4) Section 319(1) of the principal Act applies to sub-paragraphs (1) and (2) as it applies to the provisions there mentioned, and section 92(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 applies to sub-paragraph (3) as it applies to the provisions mentioned in subsection (2)(a) of that section.

Marginal Citations

- M3** 1984 c. 10.
M4 1990 c. 9.
M5 1990 c. 9.

- 12 The repeal by this Act of section 266(1)(a) of the 1971 Act shall not affect the validity of anything contained in the Greater London Development Plan.
- 13 The expression “local authority” in any provision of the consolidating Acts shall, as respects any time when the corresponding provision in the repealed enactments (or any enactment replaced by them) was in force, have the same meaning as that expression had at that time in that provision.
- 14 References in the consolidating Acts to the British Coal Corporation have effect as respects any time before 5th March 1987 as references to the National Coal Board.
- 15 (1) Where the functions of a Minister under any enactment re-enacted or referred to in this Act have at any time been exercisable by another Minister or other Ministers, references in the relevant provision of this Act shall, as respects any such time, be construed as references to the other Minister or Ministers.
- (2) In this paragraph “Minister” includes the Board of Trade and the Treasury.
- 16 The repeal by this Act of section 56A of the 1971 Act (duration of listed building consents granted before 13th November 1980) shall not affect any consent to which that section applies immediately before this Act comes into force.
- 17 No sum may be recovered under section 58(4) of the Planning (Listed Buildings and Conservation Areas) Act 1990 or under subsection (7) of section 78 of that Act,

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as applied by section 80(7) of that Act, in respect of any grant made before that Act comes into force.

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