



Town and Country Planning Act 1990

1990 CHAPTER 8

PART III

CONTROL OVER DEVELOPMENT

Other controls over development

106C Legal challenges relating to development consent obligations

- (1) A court may entertain proceedings for questioning a failure by the Secretary of State^{F1} ... to give notice as mentioned in section 106A(7) [^{F2}or 106BA(9)] only if—
 - (a) the proceedings are brought by a claim for judicial review, and
 - (b) the claim form is filed [^{F3}before the end of] the period of 6 weeks beginning with [^{F4}the day after] the day on which the period prescribed under section 106A(7) [^{F2}or 106BA(9)] ends.
- [^{F5}(1A) If no period is prescribed under section 106BA(9), the period of 6 weeks referred to in subsection (1)(b) that applies in relation to proceedings for failure to give notice as mentioned in subsection (9) of section 106BA begins with [^{F6}the day after] the expiry of the period mentioned in that subsection that applies in the applicant's case.]
- (2) A court may entertain proceedings for questioning a determination by the Secretary of State^{F1} ... that a planning obligation shall continue to have effect without modification only if—
 - (a) the proceedings are brought by a claim for judicial review, and
 - (b) the claim form is filed [^{F7}before the end of] the period of 6 weeks beginning with [^{F8}the day after] the day on which notice of the determination is given under section 106A(7) [^{F9}or 106BA(9)].
- [^{F10}(3) A court may entertain proceedings for questioning a determination by the Secretary of State on an application under section 106BA that a planning obligation shall be modified otherwise than in accordance with the application only if—
 - (a) the proceedings are brought by a claim for judicial review, and

Status: Point in time view as at 13/04/2015.

Changes to legislation: Town and Country Planning Act 1990, Section 106C is up to date with all changes known to be in force on or before 26 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) the claim form is filed [^{F11}before the end of] the period of 6 weeks beginning with [^{F12}the day after] the day on which notice of the determination is given under section 106BA(9).]

Textual Amendments

- F1** Words in s. 106C repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 13 para. 77(4), [Sch. 25 Pt. 20](#); S.I. 2012/628, art. 7
- F2** Words in s. 106C(1) inserted (25.4.2013) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), s. 35(2), [Sch. 2 para. 6\(2\)](#)
- F3** Words in s. 106C(1)(b) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 92\(2\)\(a\)\(i\)](#), 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 71
- F4** Words in s. 106C(1)(b) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 92\(2\)\(a\)\(ii\)](#), 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 71
- F5** S. 106C(1A) inserted (25.4.2013) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), s. 35(2), [Sch. 2 para. 6\(3\)](#)
- F6** Words in s. 106C(1A) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 92\(2\)\(b\)](#), 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 71
- F7** Words in s. 106C(2)(b) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 92\(2\)\(c\)\(i\)](#), 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 71
- F8** Words in s. 106C(2)(b) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 92\(2\)\(c\)\(ii\)](#), 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 71
- F9** Words in s. 106C(2) inserted (25.4.2013) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), s. 35(2), [Sch. 2 para. 6\(4\)](#)
- F10** S. 106C(3) inserted (25.4.2013) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), s. 35(2), [Sch. 2 para. 6\(5\)](#)
- F11** Words in s. 106C(3)(b) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 92\(2\)\(c\)\(i\)](#), 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 71
- F12** Words in s. 106C(3)(b) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 92\(2\)\(c\)\(ii\)](#), 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 71

Status:

Point in time view as at 13/04/2015.

Changes to legislation:

Town and Country Planning Act 1990, Section 106C is up to date with all changes known to be in force on or before 26 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.