



Town and Country Planning Act 1990

1990 CHAPTER 8

PART XI

STATUTORY UNDERTAKERS

Preliminary

262 Meaning of “statutory undertakers”.

- (1) Subject to the following provisions of this section, in this Act “statutory undertakers” means persons authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking or any undertaking for the supply of hydraulic power and a relevant airport operator (within the meaning of Part V of the ^{M1}Airports Act 1986).
- (2) Subject to the following provisions of this section, in this Act “statutory undertaking” shall be construed in accordance with subsection (1) and, in relation to a relevant airport operator (within the meaning of that Part), means an airport to which that Part of that Act applies.
- (3) Subject to [^{F1}subsections (5) to (5B)], for the purposes of the provisions mentioned in subsection (4) any [^{F2}public gas transporter], water or sewerage undertaker, the National Rivers Authority, [^{F3}any universal postal service provider in connection with the provision of a universal postal service] and the Civil Aviation Authority shall be deemed to be statutory undertakers and their undertakings statutory undertakings.
- (4) The provisions referred to in subsection (3) are sections 55, 90, 101, 108(3), ^{F4} . . . , 139 to 141, 143, 148, 170(12)(b), 236(2)(a), 237 to 241, 245, 247(4)(b), 253, 257(2), 263(1) and (2), 264, 266 to 283, 288(10)(a), 306, 325(9), 336(2) and (3), paragraph 18 of Schedule 1 and Schedules 8, 13 and 14.
- (5) Subsection (4) shall apply—
 - (a) as respects [^{F5}a universal postal service provider in connection with the provision of a universal postal service], as if the reference to sections 55, 247(4)(b), 253 and 257(2) were omitted; and

Status: Point in time view as at 26/03/2001. This version of this provision has been superseded.

Changes to legislation: Town and Country Planning Act 1990, Section 262 is up to date with all changes known to be in force on or before 31 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) as respects [^{F6}a universal postal service provider in connection with the provision of a universal postal service] and the Civil Aviation Authority as if—
- (i) the references to sections 245, 263(1) and (2) and 336(2) and (3) were omitted; and
 - (ii) after the words “ 266 to 283” there were inserted the words “(except section 271 as applied by section 13 of the Opencast Coal Act 1958)”.
- [^{F7}(5B) The undertaking of a universal postal service provider so far as relating to the provision of a universal postal service shall be taken to be his statutory undertaking for the purposes of this Act; and references in this Act to his undertaking shall be construed accordingly.]
- (6) Any holder of a licence under section 6 of the ^{M2}Electricity Act 1989 shall be deemed to be a statutory undertaker and his undertaking a statutory undertaking—
- (a) for the purposes of the provisions mentioned in subsection (7)(a), if he holds a licence under subsection (1) of that section;
 - (b) for the purposes of the provisions mentioned in subsection (7)(b), if he is entitled to exercise any power conferred by Schedule 3 to that Act; and
 - (c) for the purposes of the provisions mentioned in subsection (7)(c), if he is entitled to exercise any power conferred by paragraph 1 of Schedule 4 to that Act.
- (7) The provisions referred to in subsection (6) are—
- (a) sections 55, 108(3), ^{F4} . . . , 139 to 141, 143, 148, 236(2)(a), 237, 245, 253, 263(1) and (2), 264, 266 to 283, 288(10)(a), 306, 325(9) and 336(2) and (3), paragraph 18 of Schedule 1 and Schedule 13;
 - (b) sections 170(12)(b) and 238 to 241; and
 - (c) sections 247(4) and 257(2) and Schedule 14.

Textual Amendments

- F1** Words in s. 262(3) substituted (26.3.2001) by S.I. 2001/1149, arts. 1(2), 3(1), **Sch. 1**, para. 80(2)(a)
- F2** Words in s. 262(3) substituted (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 18(2)**; S.I. 1996/218, **art. 2**
- F3** Words in s. 262(3) substituted (26.3.2001) by S.I. 2001/1149, arts. 1(2), 3(1), **Sch. 1 para. 80(2)(b)**
- F4** Word in s. 262(4)(7)(a) repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31, 84(6), **Sch. 6 para. 22**, **Sch. 19 Pt. II** (with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to art. 4)
- F5** Words in s. 262(5)(a) substituted (26.3.2001) by S.I. 2001/1149, arts. 1(2), 3(1), **Sch. 1 para. 80(3)**
- F6** Words in s. 262(5)(b) substituted (26.3.2001) by S.I. 2001/1149, arts. 1(2), 3(1), **Sch. 1 para. 80(3)**
- F7** S. 262(5B) inserted (26.3.2001) by S.I. 2001/1149, arts. 1(2), 3(1), **Sch. 1 para. 80(4)**

Modifications etc. (not altering text)

- C1** S. 262 applied (10.11.1993) by 1993 c. 28, s. 169, **Sch. 20 Pt. II para. 19(2)**; S.I. 1993/2762, **art. 3**

Marginal Citations

- M1** 1986 c. 31.
- M2** 1989 c. 29.

Status:

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Changes to legislation:

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