



# Town and Country Planning Act 1990

## 1990 CHAPTER 8

### PART XI

#### STATUTORY UNDERTAKERS

##### *Preliminary*

#### **263 Meaning of “operational land”.**

- (1) Subject to the following provisions of this section and to section 264, in this Act “operational land” means, in relation to statutory undertakers—
- (a) land which is used for the purpose of carrying on their undertaking; and
  - (b) land in which an interest is held for that purpose.
- (2) Paragraphs (a) and (b) of subsection (1) do not include land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used, or in which interests are held, for the purpose of the carrying on of statutory undertakings.
- [<sup>F1</sup>(2A) Subsection (1) does not apply in relation to a person who holds a licence under Chapter I of Part I of the Transport Act 2000.
- (2B) Subject to section 264, in this Act “operational land” means, in relation to a person who holds a licence under Chapter I of Part I of the Transport Act 2000, land—
- (a) which is used by the licence holder, or by a company associated with it, for the purpose of carrying out activities authorised by the licence, or
  - (b) in which the licence holder, or a company associated with it, holds an interest for that purpose.
- (2C) If for the purposes of this Act a question arises whether land is operational land in relation to a person who holds a licence under Chapter I of Part I of the Transport Act 2000 the question must be decided by the Secretary of State.]
- [<sup>F2</sup>(2D) Subsection (1) does not apply in relation to a universal postal service provider.

*Status: Point in time view as at 09/02/2021.*

*Changes to legislation: Town and Country Planning Act 1990, Section 263 is up to date with all changes known to be in force on or before 07 August 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)*

- <sup>F2</sup>(2E) Subject to subsections (3) and (4) and section 264, in this Act “operational land” means, in relation to a universal postal service provider, land—
- (a) which is used by the provider, or by a company associated with him, for any purpose in connection with the provision of a universal postal service, or
  - (b) in which the provider, or a company associated with him, holds an interest for any such purpose.]
- (3) In sections 108(3), <sup>F3</sup>. . . , 266 to 283 and Part II of Schedule 8 “operational land”, in relation to [<sup>F4</sup>a universal postal service provider] and the Civil Aviation Authority, means land of the [<sup>F5</sup>provider’s] or, as the case may be, of the Authority’s of any such class as may be prescribed by regulations.
- (4) Such regulations—
- (a) shall be made—
    - (i) in the case of [<sup>F6</sup>a universal postal service provider], by the appropriate Minister and the Secretary of State acting jointly; and
    - (ii) in the case of the Civil Aviation Authority, by the appropriate Minister;
  - (b) may define a class of land by reference to any circumstances whatsoever, and
  - (c) in the case of the Civil Aviation Authority, may make provision for different circumstances, including prescribing different classes of land for the purposes of different provisions.

#### Textual Amendments

- F1** S. 263(2A)(2B)(2C) inserted (1.4.2001) by 2000 c. 38, s. 37, **Sch. 5 para. 7** (with s. 106); S.I. 2001/869, **art. 2**
- F2** S. 263(2D)(2E) inserted (26.3.2001) by S.I. 2001/1149, art. 3(1), **Sch. 1 para. 81(2)**
- F3** Words in s. 263(3) repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31, 84(6), **Sch. 6 para. 23**, **Sch. 19 Pt. II** (with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to art. 4)
- F4** Words in s. 263(3) substituted (26.3.2001) by S.I. 2001/1149, art. 3(1), **Sch. 1 para. 81(3)(a)**
- F5** Words in s. 263(3) substituted (26.3.2001) by S.I. 2001/1149, art. 3(1), **Sch. 1 para. 81(3)(b)**
- F6** Words in s. 263(4)(a)(i) substituted (26.3.2001) by S.I. 2001/1149, art. 3(1), **Sch. 1 para. 81(4)**

**Status:**

Point in time view as at 09/02/2021.

**Changes to legislation:**

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