



# Town and Country Planning Act 1990

## 1990 CHAPTER 8

### PART XI

#### STATUTORY UNDERTAKERS

##### *Preliminary*

#### **265 Meaning of “the appropriate Minister”.**

- (1) Subject to the following provisions of this section, in this Act “the appropriate Minister” means—
- <sup>F1</sup>(a) .....
  - <sup>F2</sup>(a) in relation to statutory undertakers carrying on any railway, light railway, tramway, road transport, dock, harbour, pier or lighthouse undertaking, the Civil Aviation Authority, a person who holds a licence under Chapter 1 of Part 1 of the Transport Act 2000, or a relevant airport operator (within the meaning of Part 5 of the Airports Act 1986), the Secretary of State for Transport;]
  - (b) in relation to statutory undertakers carrying on an undertaking for the supply of hydraulic power, the <sup>F3</sup>Secretary of State for Trade and Industry];
  - (c) in relation to <sup>F4</sup>a universal postal service provider], the Secretary of State for Trade and Industry; and
  - <sup>F5</sup>(d) in relation to any other statutory undertakers, the Secretary of State for Communities and Local Government.]
- (2) For the purposes of sections 170(12), 266 to 280, 325(9) and 336(2) and (3) and Part II of Schedule 8, “the appropriate Minister”, in relation to a <sup>F6</sup>public gas transporter] or a holder of a licence under section 6 of the <sup>M1</sup>Electricity Act 1989, means the <sup>F3</sup>Secretary of State for Trade and Industry].
- (3) For the purposes of sections 170(12), 266 to 280, 325(9) and 336(2) and (3) and Part II of Schedule 8 and Schedule 14 “the appropriate Minister”—
- (a) in relation to the National Rivers Authority, means the Secretary of State or the Minister of Agriculture, Fisheries and Food; <sup>F7</sup>...

*Status: Point in time view as at 25/02/2015. This version of this provision has been superseded.*

*Changes to legislation: Town and Country Planning Act 1990, Section 265 is up to date with all changes known to be in force on or before 13 September 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>F8</sup>(aa) in relation to the Natural Resources Body for Wales, means the Secretary of State or the Secretary of State for Environment, Food and Rural Affairs; and]
- (b) in relation to a water or sewerage undertaker, means the Secretary of State.
- (4) References in this Act to the Secretary of State and the appropriate Minister—
- (a) if the appropriate Minister is not the one concerned as the Secretary of State, shall be construed as references to the Secretary of State and the appropriate Minister; and
- (b) if the one concerned as the Secretary of State is also the appropriate Minister, shall be construed as references to him alone,
- and similarly with references to a Minister and the appropriate Minister and with any provision requiring the Secretary of State to act jointly with the appropriate Minister.

#### Textual Amendments

- F1** S. 265(1)(a) repealed (26.1.1998) by [S.I. 1997/2971](#), art. 6(1), Sch. paras. 11, **14(a)**
- F2** S. 265(1)(a) inserted (25.11.2002) by [The Transfer of Functions \(Transport, Local Government and the Regions\) Order 2002 \(S.I. 2002/2626\)](#), art. 20, **Sch. 2 para. 15(4)(a)**
- F3** Words in s. 265(1)(2) substituted (5.7.1992) by [S.I. 1992/1314](#), art. 3(3), **Sch. para. 1(f)**
- F4** Words in s. 265(1)(c) substituted (26.3.2001) by [S.I. 2001/1149](#), art. 3(1), **Sch. 1 para. 82**
- F5** S. 265(1)(d) substituted (21.8.2006) by [The Secretary of State for Communities and Local Government Order 2006 \(S.I. 2006/1926\)](#), art. 9, **Sch. para. 3(4)**
- F6** Words in s. 265(2) substituted (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 18(3)**; [S.I. 1996/218](#), **art. 2**
- F7** Word in s. 265(3) omitted (1.4.2013) by virtue of [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 203** (with Sch. 7)
- F8** S. 265(3)(aa) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 203** (with Sch. 7)

#### Modifications etc. (not altering text)

- C1** S. 265(1)(b)(2): functions transferred to the Secretary of State for Energy and Climate Change (5.3.2009) by [The Secretary of State for Energy and Climate Change Order 2009 \(S.I. 2009/229\)](#), art. 4, **Sch. 1(d)**
- C2** S. 265(1)(d) functions transferred to the Secretary of State for Transport (25.11.2002) by [The Transfer of Functions \(Transport, Local Government and the Regions\) Order 2002 \(S.I. 2002/2626\)](#), **art. 6** (with arts. 7, 8)
- S. 265(1)(d): functions of the First Secretary of State transferred to the Secretary of State for Communities and Local Government (21.8.2006) by [The Secretary of State for Communities and Local Government Order 2006 \(S.I. 2006/1926\)](#), **art. 4(1)(c)**
- C3** S. 265(3)(a)(4): functions transferred to the Secretary of State for Environment, Food and Rural Affairs (27.3.2002) by [The Ministry of Agriculture, Fisheries and Food \(Dissolution\) Order 2002 \(S.I. 2002/794\)](#), **art. 3(1)(g)(2)** (with art. 6)

#### Marginal Citations

- M1** 1989 c. 29.

**Status:**

Point in time view as at 25/02/2015. This version of this provision has been superseded.

**Changes to legislation:**

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