

Status: Point in time view as at 23/11/1995.

Changes to legislation: Planning (Listed Buildings and Conservation Areas) Act 1990, SCHEDULE 2 is up to date with all changes known to be in force on or before 17 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)

SCHEDULES

SCHEDULE 2 **E+W**

Section 5.

LAPSE OF BUILDING PRESERVATION NOTICES

Modifications etc. (not altering text)

C1 Schs. 1, 2 modified by S.I. 1990/1519, reg. 13(1)

- 1 This Schedule applies where a building preservation notice ceases to be in force by virtue of—
- (a) the expiry of the six month period mentioned in subsection (3)(b) of section 3; or
 - (b) the service of a notification by the Secretary of State under subsection (4)(b) of that section.
- 2 The fact that the notice has ceased to be in force shall not affect the liability of any person to be prosecuted and punished for an offence under section 9 or 43 committed with respect to the building while it was in force.
- 3 Any proceedings on or arising out of an application for listed building consent with respect to the building made while the notice was in force and any such consent granted while it was in force shall lapse.
- 4 (1) Any listed building enforcement notice served by the local planning authority while the building preservation notice was in force shall cease to have effect.
- (2) Any proceedings on it under sections 38 to 40 shall lapse.
- (3) Notwithstanding sub-paragraph (1), section 42(1) and (2) shall continue to have effect as respects any expenses incurred by the local authority, owner or occupier as mentioned in that section and with respect to any sums paid on account of such expenses.
- [^{F1}(4) The reference to a local authority in sub-paragraph (3) above includes a reference to any National Park authority which is the local planning authority for any area.]

Textual Amendments

F1 Sch. 2 para. 4(4) inserted (23.11.1995) by 1995 c. 25, s. 78, Sch. 10 para. 33(5) (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, art. 2

Status:

Point in time view as at 23/11/1995.

Changes to legislation:

Planning (Listed Buildings and Conservation Areas) Act 1990, SCHEDULE 2 is up to date with all changes known to be in force on or before 17 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.