



Planning (Listed Buildings and Conservation Areas) Act 1990

1990 CHAPTER 9

PART I

LISTED BUILDINGS

CHAPTER V

PREVENTION OF DETERIORATION AND DAMAGE

Compulsory acquisition of listed building in need of repair

47 Compulsory acquisition of listed building in need of repair.

- (1) If it appears to the Secretary of State that reasonable steps are not being taken for properly preserving a listed building he—
 - (a) may authorise the appropriate authority to acquire compulsorily under this section the building and any relevant land; or
 - (b) may himself compulsorily acquire them under this section.
- (2) The ^{M1}Acquisition of Land Act 1981 shall apply to compulsory acquisition under this section.
- (3) The Secretary of State shall not make or confirm a compulsory purchase order for the acquisition of any building by virtue of this section unless—
 - (a) in the case of the acquisition of a building situated in England otherwise than by the Commission, he has consulted with the Commission; and
 - (b) in any case, he is satisfied that it is expedient to make provision for the preservation of the building and to authorise its compulsory acquisition for that purpose.

Status: Point in time view as at 01/04/1996. This version of this provision has been superseded.

Changes to legislation: Planning (Listed Buildings and Conservation Areas) Act 1990, Section 47 is up to date with all changes known to be in force on or before 12 June 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)

- (4) Any person having an interest in a building which it is proposed to acquire compulsorily under this section may, within 28 days after the service of the notice required by section 12 of that Act of 1981 or, as the case may be, paragraph 3(1) of Schedule 1 to that Act, apply to a magistrates' court acting for the petty sessions area within which the building is situated for an order staying further proceedings on the compulsory purchase order.
- (5) If on an application under subsection (4) the court is satisfied that reasonable steps have been taken for properly preserving the building, the court shall make an order accordingly.
- (6) Any person aggrieved by the decision of a magistrates' court on an application under subsection (4) may appeal against the decision to the Crown Court.
- (7) In this section—
- “the appropriate authority” means—
- (a) the council of the county [^{F1}, county borough] or district in which the building is situated, or
 - (b) in the case of a building situated in Greater London, the Commission or the council of the London borough in which the building is situated, or
 - (c) in the case of a building situated outside Greater London, the joint planning board for the area in which the building is situated; or
 - (d) in the case of a building situated within the Broads, the Broads Authority;

“relevant land”, in relation to any building, means the land comprising or contiguous or adjacent to it which appears to the Secretary of State to be required for preserving the building or its amenities, or for affording access to it, or for its proper control or management.

Textual Amendments

- F1** S. 47(7)(a): words in definition of “the appropriate authority” inserted (1.4.1996) by 1994 c.19, s. 20(4), **Sch. 6 Pt. II para. 25(6)** (with ss. 54(5)(7), 55(5), 66(7), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

Modifications etc. (not altering text)

- C1** Ss. 47–50 modified by S.I. 1990/1519, **reg. 13(1)**
S. 47 amended (19.9.1995) by 1995 c. 25, ss. 70, 125(2), **Sch. 9 para. 13(1)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)
- C2** S. 47: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, **reg. 2(1)**, **Sch. 1** Table A25

Marginal Citations

- M1** 1981 c.67.

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