



# Planning (Listed Buildings and Conservation Areas) Act 1990

## 1990 CHAPTER 9

### PART I

#### LISTED BUILDINGS

#### CHAPTER VI

##### MISCELLANEOUS AND SUPPLEMENTAL

##### *Exceptions for church buildings and ancient monuments*

#### **60 Exceptions for ecclesiastical buildings and redundant churches.**

- (1) The provisions mentioned in subsection (2) shall not apply to any ecclesiastical building which is for the time being used for ecclesiastical purposes.
- (2) Those provisions are sections 3, [<sup>F1</sup>3A,] 4, 7 to 9, 47, 54 and 59.
- (3) For the purposes of subsection (1), a building used or available for use by a minister of religion wholly or mainly as a residence from which to perform the duties of his office shall be treated as not being an ecclesiastical building [<sup>F2</sup>unless it is a building which is a chapel forming part of an episcopal house of residence and is included in the list maintained by the Church Buildings Council under [<sup>F3</sup>section 38 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018] or is otherwise subject to the faculty jurisdiction].
- (4) For the purposes of sections 7 to 9 a building shall be taken to be used for the time being for ecclesiastical purposes if it would be so used but for the works in question.
- (5) The Secretary of State may by order provide for restricting or excluding the operation of subsections (1) to (3) in such cases as may be specified in the order.

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*Changes to legislation: Planning (Listed Buildings and Conservation Areas) Act 1990, Section 60 is up to date with all changes known to be in force on or before 29 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) View outstanding changes*

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- (6) An order under this section may—
- (a) make provision for buildings generally, for descriptions of building or for particular buildings;
  - (b) make different provision for buildings in different areas, for buildings of different religious faiths or denominations or according to the use made of the building;
  - (c) make such provision in relation to a part of a building (including, in particular, an object or structure falling to be treated as part of the building by virtue of section 1(5)) as may be made in relation to a building and make different provision for different parts of the same building;
  - (d) make different provision with respect to works of different descriptions or according to the extent of the works;
  - (e) make such consequential adaptations or modifications of the operation of any other provision of this Act or the principal Act, or of any instrument made under either of those Acts, as appear to the Secretary of State to be appropriate.
- (7) Sections 7 to 9 shall not apply to the execution of works for the demolition, in pursuance of a pastoral or redundancy scheme (within the meaning of the <sup>M1</sup>Pastoral Measure 1983), of a redundant building (within the meaning of that Measure) or a part of such a building.

#### Textual Amendments

- F1** Word in s. 60(2) inserted (31.5.2017) by [Historic Environment \(Wales\) Act 2016 \(anaw 4\), ss. 26\(9\), 41\(3\); S.I. 2017/633, art. 4\(c\) \(with art. 6\(3\)\)](#)
- F2** Words in s. 60(3) added (E.) (19.5.2014) by [Church of England \(Miscellaneous Provisions\) Measure 2014 \(No. 1\), s. 21\(2\), Sch. 2 para. 11; S.I. 2014/1369, art. 2](#)
- F3** Words in s. 60(3) substituted (1.9.2018) by [Ecclesiastical Jurisdiction and Care of Churches Measure 2018 \(No. 3\), s. 99\(2\), Sch. 3 para. 10 \(with Sch. 4 Pt. 1\); S.I. 2018/720, art. 2](#)

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

- C1** Chs. I, II (ss. 1-26) and IV (ss. 38-44) of Pt. I, ss. 54-56, 59-61, 66, 68-72, 74-76 and 88: power to apply conferred (10.11.1993) by [1993 c. 28, s. 171\(4\)\(b\); S.I. 1993/2762, art.3.](#)
- C2** S. 60(1)-(4) modified by [S.I. 1990/1519, reg. 13\(1\)](#)
- C3** S. 60(1)-(4) applied (Isles of Scilly) (with modifications) (2.10.2013) by [The Town and Country Planning \(Isles of Scilly\) Order 2013 \(S.I. 2013/2148\), arts. 1\(1\), 3, Sch. 1 \(with art. 1\(2\)\)](#)

#### Marginal Citations

- M1** 1983 No. 1.

**Changes to legislation:**

Planning (Listed Buildings and Conservation Areas) Act 1990, Section 60 is up to date with all changes known to be in force on or before 29 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.

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**Changes and effects yet to be applied to :**

- s. 60(2) word omitted by [2023 asc 3 Sch. 13 para. 133](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 3(1A)(1B) inserted by [2023 c. 55 s. 105\(2\)](#)
- s. 12(4A) inserted by [2008 c. 29 Sch. 10 para. 16](#)
- s. 16(2A) inserted by [2023 c. 55 s. 102\(3\)](#)
- s. 22(2A) inserted by [2008 c. 29 Sch. 10 para. 18\(2\)](#)
- s. 40(2A) inserted by [2008 c. 29 Sch. 10 para. 19](#)
- s. 49(1) s. 49 renumbered as s. 49(1) by [2023 asc 3 Sch. 13 para. 127\(b\)](#)
- s. 49(2) inserted by [2023 asc 3 Sch. 13 para. 127\(c\)](#)
- s. 54(8) inserted by [2023 c. 55 s. 104\(2\)\(c\)](#)
- s. 55(2A) inserted by [2023 c. 55 s. 104\(3\)\(a\)](#)
- s. 55(5H)(5I) inserted by [2023 c. 55 s. 104\(3\)\(f\)](#)
- s. 55(5BA) inserted by [2023 c. 55 s. 104\(3\)\(d\)](#)
- s. 56A and cross-heading inserted by [2016 anaw 4 s. 31\(1\)](#)
- s. 66(1A) inserted by [2023 c. 55 s. 102\(4\)\(a\)](#)
- s. 66(2A) inserted by [2023 c. 55 s. 102\(4\)\(b\)](#)
- s. 66(5) inserted by [2023 asc 3 Sch. 13 para. 136](#)
- s. 82A(2)(ha) inserted by [2016 anaw 4 s. 31\(2\)](#)
- s. 89(1ZA) inserted by [2008 c. 29 Sch. 10 para. 22](#)
- s. 93(5A) inserted by [2008 c. 29 Sch. 10 para. 23\(3\)](#)
- s. 93(5A) words inserted by [2013 c. 24 Sch. 17 para. 18\(3\)](#)
- Sch. 3 para. 2(4A) inserted by [2008 c. 29 Sch. 10 para. 24\(2\)](#)
- Sch. 3 para. 2(9) inserted by [2008 c. 29 Sch. 10 para. 24\(3\)](#)
- Sch. 3 para. 3(4A)(4B) inserted by [2008 c. 29 Sch. 10 para. 24\(4\)](#)
- Sch. 3 para. 6(1A) inserted by [2008 c. 29 Sch. 10 para. 24\(6\)](#)