



Planning (Listed Buildings and Conservation Areas) Act 1990

1990 CHAPTER 9

PART II

CONSERVATION AREAS

Grants

78 Recovery of grants under s. 77.

- (1) This section applies to any grant under section 77 made on terms that it shall be recoverable under this section.
- (2) A grant shall only be regarded as made on those terms if before or on making the grant the grantor gives the grantee notice in writing—
 - (a) summarising the effect of this section; and
 - (b) if the grant is made for the purpose of defraying the whole or part of expenditure in relation to any particular property (“the grant property”), specifying the recovery period.
- (3) In this section “the recovery period” means the period, beginning with the day on which the grant is made and ending not more than ten years after that day, during which the grant is to be recoverable in accordance with subsection (4).
- (4) If during the recovery period the grantee disposes of the interest which was held by him in the grant property on the day on which the grant was made or any part of that interest by way of sale or exchange or lease for a term of not less than 21 years, the grantor may recover the amount of the grant, or such part of it as the grantor thinks fit, from the grantee.
- (5) If the grantee gives the whole of that interest to any person (whether directly or indirectly, but otherwise than by will) subsection (4) shall have effect as if the donee were the grantee.

Status: Point in time view as at 01/01/2022.

Changes to legislation: *Planning (Listed Buildings and Conservation Areas) Act 1990, Section 78 is up to date with all changes known to be in force on or before 16 July 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)*

- (6) If the grantee gives part of that interest to any person (whether directly or indirectly, but otherwise than by will) subsection (4) shall have effect as if any disposal or part disposal of that interest by the donee were a disposal by the grantee.
- (7) If any condition imposed on the making of a grant to which this section applies is contravened or not complied with, the grantor may recover the amount of the grant, or such part of it as he thinks fit, from the grantee.
- (8) Nothing in this section entitles a grantor to recover amounts in the aggregate exceeding the amount of the grant (for example by virtue of a breach of more than one condition or disposals of several parts of an interest in the grant property).

Modifications etc. (not altering text)

- C1** S. 78(7) restricted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 5, [Sch. 3 para. 17](#)

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