

Status: Point in time view as at 22/04/2014. This version of this cross heading contains provisions that are prospective.
Changes to legislation: Planning Act 2008, Cross Heading: Planning (Hazardous Substances) Act 1990 (c. 10) is up to date with all changes known to be in force on or before 14 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)

SCHEDULES

SCHEDULE 10

FURTHER PROVISIONS AS TO THE PROCEDURE FOR CERTAIN PROCEEDINGS

PROSPECTIVE

Planning (Hazardous Substances) Act 1990 (c. 10)

- 25 The Hazardous Substances Act is amended as follows.
- 26 In section 20 (reference of applications to Secretary of State) after subsection (4) insert—
- “(4A) Subsection (4) does not apply to an application referred to the Secretary of State under this section instead of being dealt with by a hazardous substances authority in England.”
- 27 In section 21 (appeals against decisions or failure to take decisions relating to hazardous substances) after subsection (5) insert—
- “(5A) Subsection (5) does not apply to an appeal against a decision of a hazardous substances authority in England.”
- 28 In section 25(1) (appeals against hazardous substances contravention notices)—
- (a) in paragraph (b)(v) after “principal Act” insert “ and section 21A of this Act ”, and
- (b) in paragraph (c) for “that Act” substitute “ the principal Act ”.
- 29 In section 37 (application of certain general provisions of TCPA 1990) after subsection (2) insert—
- “(3) In the application of sections 322, 322A and 323 of that Act by virtue of this section, references to section 319A of that Act shall have effect as references to section 21A of this Act.”
- 30 (1) Amend the Schedule (determination of appeals by person appointed by Secretary of State) as follows.
- (2) In paragraph 2 after sub-paragraph (4) insert—
- “(4A) Sub-paragraph (2) does not apply to an appeal against a decision of a hazardous substances authority in England.”
- (3) After sub-paragraph (8) of that paragraph insert—
- “(9) Sub-paragraph (8) does not apply to references to the Secretary of State in section 21A (powers and duties of the Secretary of State in relation to the determination of procedure for certain proceedings).”
- (4) In paragraph 3 after sub-paragraph (4) insert—

Status: Point in time view as at 22/04/2014. This version of this cross heading contains provisions that are prospective.

Changes to legislation: Planning Act 2008, Cross Heading: Planning (Hazardous Substances) Act 1990 (c. 10) is up to date with all changes known to be in force on or before 14 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)

“(4A) Sub-paragraph (4) does not apply in the case of an appeal against a decision of a hazardous substances authority in England.

(4B) In the case of an appeal to which section 21A applies, the Secretary of State must give the appellant, the hazardous substances authority and any person who has made any representations mentioned in sub-paragraph (2) an opportunity to make further representations if the reasons for the direction raise matters with respect to which any of those persons have not made representations.”

(5) In sub-paragraph (5) of that paragraph after “(4)” insert “ or (4B) ”.

(6) In paragraph 6 after sub-paragraph (1) insert—

“(1A) Sub-paragraph (1) does not apply in the case of an appeal against a decision of a hazardous substances authority in England; but an appointed person may hold a hearing or a local inquiry in connection with such an appeal pursuant to a determination under section 21A.”

(7) In sub-paragraphs (2)(a) and (3)(a) of that paragraph after “2(4)” insert “ or this paragraph ”.

Status:

Point in time view as at 22/04/2014. This version of this cross heading contains provisions that are prospective.

Changes to legislation:

Planning Act 2008, Cross Heading: Planning (Hazardous Substances) Act 1990 (c. 10) is up to date with all changes known to be in force on or before 14 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.