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STATUTORY INSTRUMENTS

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**2013 No. 2148**

**The Town and Country Planning (Isles of Scilly) Order 2013**

**Citation and commencement**

1.—(1) This Order may be cited as the Town and Country Planning (Isles of Scilly) Order 2013 and, subject to paragraph (2), comes into force on 2nd October 2013.

(2) The references to the Listed Buildings Act in Article 3 shall, from the day on which amendments are made to that Act by the commencement of sections 60 and 61 of, and Schedule 16 to, and paragraphs 7 to 11 and 14 to 20 of Schedule 17 to (and section 63 of so far as it relates to those paragraphs), the Enterprise and Regulatory Reform Act 2013<sup>(1)</sup>, have effect as references to the Listed Buildings Act as so amended.

**Interpretation**

2. In this Order—

“the 1990 Act” means the Town and Country Planning Act 1990;

“the 2004 Act” means the Planning and Compulsory Purchase Act 2004;

“the 2005 Order” means the Town and Country Planning (Isles of Scilly) Order 2005<sup>(2)</sup>;

“the Council” means the Council of the Isles of Scilly; and

“the Listed Buildings Act” means the Planning (Listed Buildings and Conservation Areas) Act 1990.

**Application of provisions of the Listed Buildings Act to the Isles of Scilly**

3. All the provisions of the Listed Buildings Act specified in section 92(2) and (3) of that Act shall apply to the Isles of Scilly as if those Isles were a separate county, subject to the modifications specified in Schedule 1 to this Order.

**Exercise of planning functions under the 1990 Act and the 2004 Act**

4. The Council shall exercise for the Isles of Scilly all functions under the 1990 Act and Part 2 of the 2004 Act exercisable by a local planning authority or a mineral planning authority for their respective areas in England, subject to the exceptions, adaptations and modifications specified in Schedule 2 to this Order.

**Revocations, savings and transitional provisions**

5.—(1) The Planning (Listed Buildings and Conservation Areas) (Isles of Scilly) Order 1990<sup>(3)</sup> is revoked.

(2) Subject to paragraph (3), the 2005 Order is revoked.

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<sup>(1)</sup> 2013 c. 24.

<sup>(2)</sup> S.I. 2005/2085.

<sup>(3)</sup> S.I. 1990/2237.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(3) Article 5(3) of the 2005 Order continues in force so far as it makes provision for the continued application of the Town and Country Planning (Isles of Scilly) Order 1992<sup>(4)</sup>.

(4) Where, before 2nd October 2013, an application for conservation area consent under section 74 of the Listed Buildings Act has been submitted to the Council, the amendments made—

(a) by article 3 of the Enterprise and Regulatory Reform Act 2013 (Abolition of Conservation Area Consent) (Consequential and Saving Provisions) (England) Order 2013<sup>(5)</sup>; and

(b) to the National Heritage Act 1983<sup>(6)</sup>, the 1990 Act and the Listed Buildings Act by paragraphs 1 to 6, 12 and 13 of Schedule 17 to the 2013 Act, and by section 63 of that Act in so far as it relates to those paragraphs, notwithstanding the commencement of those provisions,

shall not have effect.

Signed by authority of the Secretary of State for Communities and Local Government

*Nick Boles*  
Parliamentary Under Secretary of State  
Department for Communities and Local  
Government

29th August 2013

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<sup>(4)</sup> S.I. 2012/1620.

<sup>(5)</sup> S.I. 2013/2146

<sup>(6)</sup> 1983 c. 47.