



# Town and Country Planning Act 1990

## 1990 CHAPTER 8

### PART XV

#### MISCELLANEOUS AND GENERAL PROVISIONS

##### *Application of Act in special cases*

#### **315 Power to modify Act in relation to minerals.**

- (1) In relation to development consisting of the winning and working of minerals [<sup>F1</sup>or involving the depositing of mineral waste], the provisions specified in Parts I and II of Schedule 16 shall have effect subject to such adaptations and modifications as may be prescribed.
- (2) In relation to interests in land consisting of or comprising minerals (being either the fee simple or tenancies of such land) <sup>F2</sup>. . . , the provisions specified in Part III of Schedule 16 shall have effect subject to such adaptations and modifications as may be prescribed.
- (3) Regulations made for the purposes of this section may only be made with the consent of the Treasury and shall be of no effect unless they are approved by resolution of each House of Parliament.
- (4) Any regulations made by virtue of subsection (1) shall not apply—
  - (a) to the winning and working, on land held or occupied with land used for the purposes of agriculture, of any minerals reasonably required for the purposes of that use, including the fertilisation of the land so used and the maintenance, improvement or alteration of buildings or works on it which are occupied or used for those purposes; <sup>F3</sup> . . .
  - <sup>F3</sup>(b) . . . . .
- (5) Nothing in subsection (1) or (4) shall be construed as affecting the prerogative right of Her Majesty (whether in right of the Crown or of the Duchy of Lancaster) or of the Duke of Cornwall to any gold or silver mine.

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### Textual Amendments

- F1** Words in s. 315(1) inserted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 21, 84(2)-(4), [Sch. 1 para. 11](#) (with s. 84(5)); S.I. 1991/2067, [art. 3](#) (subject to art. 4)
- F2** Words in s. 315(2) repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31, 84(6), [Sch. 6 para. 32](#), [Sch. 19](#), Pt. II (with s. 84(5)); S.I. 1991/2067, [art. 3](#) (subject to art. 4)
- F3** S. 315(4)(b) and word “or” immediately preceding it repealed (1.11.1994) by [1994 c. 21, s. 67, Sch. 9 para. 39\(2\)](#), [Sch. 11 Pt. III](#) (with s. 40(7)); S.I. 1994/2552, art. 3, [Sch. 2](#)

### [<sup>F4</sup>316 Land of interested planning authorities and development by them.

- (1) The provisions of Parts III, VII and VIII of this Act shall apply in relation to—
- (a) land of interested planning authorities; and
  - (b) the development of any land by interested planning authorities or by such authorities jointly with any other persons,
- subject to regulations made by virtue of this section.
- (2) The regulations may, in relation to such land or such development—
- (a) provide for any of those provisions to apply subject to prescribed exceptions or modifications or not to apply;
  - (b) make new provision as to any matter dealt with in any of those provisions;
  - (c) make different provision in relation to different classes of land or development.
- (3) Without prejudice to subsection (2), the regulations may provide—
- (a) subject to subsection (5), for applications for planning permission to develop such land, or for such development, to be determined by the authority concerned, by another interested planning authority or by the Secretary of State; and
  - (b) for the procedure to be followed on such applications,
- and, in the case of applications falling to be determined by an interested planning authority, they may regulate the authority’s arrangements for the discharge of their functions, notwithstanding [<sup>F5</sup>any provision made by or under sections 319ZA to 319ZC or] anything in section 101 of the <sup>M1</sup>Local Government Act 1972.
- (4) The regulations shall—
- (a) provide for section 71(3), and any provision made by virtue of section 65 or 71 by a development order, to apply to applications for planning permission to develop [<sup>F6</sup>such land, or for such development,][<sup>F6</sup>land of an interested planning authority other than the Welsh Ministers, or for the development of land by an interested planning authority other than the Welsh Ministers,] subject to prescribed exceptions or modifications, or
  - (b) make corresponding provision.
- (5) In the case of any application for planning permission to develop land of an interested planning authority [<sup>F7</sup>other than the Welsh Ministers] where—
- (a) the authority do not intend to develop the land themselves or jointly with any other person; and
  - (b) if it were not such land, the application would fall to be determined by another body,

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the regulations shall provide for the application to be determined by that other body, unless the application is referred to the Secretary of State under section 77.

(6) In this section “interested planning authority”, in relation to any land, means any body which exercises any of the functions of a local planning authority in relation to that land [<sup>F8</sup>or the Welsh Ministers]; and for the purposes of this section land is land of an authority if the authority have any interest in it.

[<sup>F9</sup>(7) This section applies—

- (a) to permission in principle to develop any land, and
  - (b) to any consent required in respect of any land,
- as it applies to planning permission to develop land.]

(8) Subsection (1) does not apply to sections 76, 90(2) and (5) and 223.]

[<sup>F10</sup>(9) The power to make regulations under this section relating to land of the Welsh Ministers or to the development of land by the Welsh Ministers is exercisable by the Welsh Ministers.]

#### Textual Amendments

- F4** S. 316 substituted (25.11.1991 for certain purposes and otherwise 17.7.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), [s.20](#), (with [s. 84\(5\)](#)); [S.I. 1991/2728](#), [art.2](#); [S.I. 1992/1491](#), [art. 2](#)
- F5** Words in [s. 316\(3\)](#) inserted (6.9.2015 for specified purposes, 5.5.2017 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), [ss. 39\(2\)](#), [58\(2\)\(b\)\(4\)\(b\)](#); [S.I. 2017/546](#), [art. 3\(a\)](#)
- F6** Words in [s. 316\(4\)](#) substituted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), [s. 58\(2\)\(b\)\(4\)\(b\)](#), [Sch. 4 para. 19\(2\)](#); [S.I. 2016/52](#), [art. 3\(e\)](#)
- F7** Words in [s. 316\(5\)](#) inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), [s. 58\(2\)\(b\)\(4\)\(b\)](#), [Sch. 4 para. 19\(3\)](#); [S.I. 2016/52](#), [art. 3\(e\)](#)
- F8** Words in [s. 316\(6\)](#) inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), [s. 58\(2\)\(b\)\(4\)\(b\)](#), [Sch. 4 para. 19\(4\)](#); [S.I. 2016/52](#), [art. 3\(e\)](#)
- F9** [S. 316\(7\)](#) substituted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), [s. 216\(3\)](#), [Sch. 12 para. 37](#); [S.I. 2016/733](#), [reg. 3\(d\)](#)
- F10** [S. 316\(9\)](#) inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), [s. 58\(2\)\(b\)\(4\)\(b\)](#), [Sch. 4 para. 19\(5\)](#); [S.I. 2016/52](#), [art. 3\(e\)](#)

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

- C1** [S. 316](#): 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](#)

#### Marginal Citations

- M1** [1972 c. 70](#).

### [<sup>F11</sup>316A] Local planning authorities as statutory undertakers.

In relation to statutory undertakers who are local planning authorities, section 283 and the provisions specified in that section shall have effect subject to such exceptions and modifications as may be prescribed.]

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#### Textual Amendments

- F11** S. 316A inserted (25.11.1991 for certain purposes and otherwise 17.7.1992) by **Planning and Compensation Act 1991 (c. 34, SIF 123:1)**, s. 32, **Sch. 7 para. 48** (with s. 84(5)); S.I. 1991/2728, **art.2**; S.I. 1992/1491, art. 2, **Sch. 1**

**F12** **317** .....

#### Textual Amendments

- F12** S. 317 repealed (1.11.1994) by 1994 c. 21, s. 67, **Sch. 9 para. 39(2)**, **Sch. 11 Pt. III** (with s. 40(7)); S.I. 1994/2552, art. 3, **Sch. 2**

### 318 Ecclesiastical property.

- (1) Without prejudice to the provisions of the <sup>M2</sup>Acquisition of Land Act 1981 with respect to notices served under that Act, where under any of the provisions of this Act a notice or copy of a notice is required to be served on an owner of land, and the land is ecclesiastical property, a similar notice or copy of a notice shall be served on the [<sup>F13</sup>Diocesan Board of Finance for the diocese in which the land is situated].
- (2) [<sup>F14</sup>Where any ecclesiastical property is vested in the incumbent of a benefice which is vacant]—
  - (a) if the property is situated elsewhere than in Wales, then for the purposes of the provisions specified in Part VI of Schedule 16 [<sup>F15</sup>it] shall be treated as being vested in the [<sup>F16</sup>Diocesan Board of Finance for the diocese in which the land is situated];
  - (b) in any case, [<sup>F15</sup>it] shall, for the purposes of a compulsory acquisition of the property under Part IX, be treated as being vested in the [<sup>F16</sup>Diocesan Board of Finance for the diocese in which the land is situated], and any notice to treat shall be served, or be deemed to have been served, accordingly.
- (3) Any compensation payable under Part IV, section 186, Part VIII (except section 204) or section 250 in respect of land which is ecclesiastical property [<sup>F17</sup>shall be paid to the Diocesan Board of Finance for the diocese in which the land is situated], and shall <sup>F18</sup> . . . be applied by [<sup>F19</sup>it] for the purposes for which the proceeds of a sale by agreement of the land would be applicable under any enactment or Measure authorising or disposing of the proceeds of such a sale.
- (4) Any sum which under any of the provisions specified in Part III of Schedule 16 is payable in relation to land which is, or on 1st July 1948 was, ecclesiastical property, and apart from this subsection would be payable to an incumbent—
  - (a) shall be paid to the [<sup>F20</sup>Diocesan Board of Finance for the diocese in which the land is situated], and
  - (b) shall be applied by [<sup>F19</sup>it] for the purposes mentioned in subsection [<sup>F21</sup>(3)].
- (5) Where any sum is recoverable under section 111, [<sup>F22</sup>or 112] in respect of any such land, the [<sup>F23</sup>Diocesan Board of Finance for the diocese in which the land is situated] may apply any money or securities held by [<sup>F19</sup>it] in the payment of that sum.

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- (6) In this section “ecclesiastical property” means land belonging to an ecclesiastical benefice [<sup>F24</sup>of the Church of England], or being or forming part of a church subject to the jurisdiction of a bishop of any diocese [<sup>F25</sup>of the Church of England] or the site of such a church, or being or forming part of a burial ground subject to such jurisdiction

### Textual Amendments

- F13** Words in s. 318(1) substituted (E.) (1.10.2006) by Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), ss. 14, 16(2), **Sch. 5 para. 26(a)**; {Instrument dated 11.9.2006 made by the Archbishops of Canterbury and York}
- F14** Words in s. 318(2) substituted (E.) (1.10.2006) by Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), ss. 14, 16(2), **Sch. 5 para. 26(b)**; {Instrument dated 11.9.2006 made by the Archbishops of Canterbury and York}
- F15** Word in s. 318(5) substituted (E.) (1.10.2006) by Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), ss. 14, 16(2), **Sch. 5 para. 26(b)**; {Instrument dated 11.9.2006 made by the Archbishops of Canterbury and York}
- F16** Words in s. 318(2) substituted (E.) (1.10.2006) by Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), ss. 14, 16(2), **Sch. 5 para. 26(a)**; {Instrument dated 11.9.2006 made by the Archbishops of Canterbury and York}
- F17** Words in s. 318(3) substituted for s. 318(3)(a)(b) (E.) (1.10.2006) by Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), ss. 14, 16(2), **Sch. 5 para. 26(c)**; {Instrument dated 11.9.2006 made by the Archbishops of Canterbury and York}
- F18** Words in s. 318(3)(b) omitted (E.) (1.10.2006) by virtue of Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), ss. 14, 16(2), **Sch. 5 para. 26(c)**; {Instrument dated 11.9.2006 made by the Archbishops of Canterbury and York}
- F19** Word in s. 318(3)(4)(5) substituted (E.) (1.10.2006) by Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), ss. 14, 16(2), **Sch. 5 para. 26(d)**; {Instrument dated 11.9.2006 made by the Archbishops of Canterbury and York}
- F20** Words in s. 318(4) substituted (E.) (1.10.2006) by Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), ss. 14, 16(2), **Sch. 5 para. 26(a)**; {Instrument dated 11.9.2006 made by the Archbishops of Canterbury and York}
- F21** Word in s. 318(4)(b) substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 70, **Sch. 15 Pt. II para. 30(2)** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)
- F22** Words in s. 318(5) substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 31, **Sch. 6 para. 33** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)
- F23** Words in s. 318(5) substituted (E.) (1.10.2006) by Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), ss. 14, 16(2), **Sch. 5 para. 26(a)**; {Instrument dated 11.9.2006 made by the Archbishops of Canterbury and York}
- F24** Words in s. 318(6) inserted (E.) (1.10.2006) by Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), ss. 14, 16(2), **Sch. 5 para. 26(e)**; {Instrument dated 11.9.2006 made by the Archbishops of Canterbury and York}
- F25** Words in s. 318(6) inserted (E.) (1.10.2006) by Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), ss. 14, 16(2), **Sch. 5 para. 26(e)**; {Instrument dated 11.9.2006 made by the Archbishops of Canterbury and York}
- F26** Words in s. 318(6) omitted (E.) (1.10.2006) by virtue of Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), ss. 14, 16(2), **Sch. 5 para. 26(e)**; {Instrument dated 11.9.2006 made by the Archbishops of Canterbury and York}

### Modifications etc. (not altering text)

- C2** S. 318(1)(3)(6) applied (with modifications) (1.6.1997) by S.I. 1997/1160, **reg. 16(1)**

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#### Marginal Citations

M2 1981 c. 67.

#### [<sup>F27</sup> 319 The Isles of Scilly.

- (1) This Act applies to the Isles of Scilly subject to such exceptions, adaptations and modifications as the Secretary of State may by order direct.
- (2) An order under this section may in particular provide for the exercise by the Council of the Isles of Scilly of any functions exercisable by a local planning authority or mineral planning authority.
- (3) Before making an order under this section the Secretary of State shall consult with that Council.]

#### Textual Amendments

**F27** S. 319 substituted (25.11.1991 for certain purposes and otherwise 27.7.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, [Sch. 7 para.49](#) (with s. 84(5)); S.I. 1991/2728, [art.2](#); S.I. 1992/1630, art. 2, [Sch. 1](#) (with art. 3(1))

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

- Act applied by [2023 asc 3 s. 79\(2\)](#)
- Act applied by [2023 asc 3 s. 83\(4\)](#)
- Act excluded by [2023 asc 3 s. 140\(4\)\(b\)](#)

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

- s. 7(3) inserted by [2023 c. 55 Sch. 17 para. 2\(2\)](#)
- s. 7A(6) inserted by [2023 c. 55 Sch. 17 para. 2\(4\)](#)
- s. 7ZA inserted by [2023 c. 55 Sch. 17 para. 2\(3\)](#)
- s. 58B and cross-heading inserted by [2023 c. 55 s. 102\(1\)](#)
- s. 59A(3)(ba) inserted by [2023 c. 55 Sch. 8 para. 4\(b\)](#)
- s. 62B(5)(ca) inserted by [2023 c. 55 Sch. 17 para. 2\(5\)](#)
- s. 70(2)(azb) inserted by [2023 c. 55 Sch. 6 para. 3\(a\)](#)
- s. 70(3)(ca) inserted in earlier affecting provision 2016 c. 22, s. 5(8) by [2023 asc 3 Sch. 13 para. 194](#)
- s. 70(3A) inserted by [2017 c. 20 Sch. 3 para. 2](#)
- s. 70A(5A) inserted by [2023 c. 55 Sch. 6 para. 4\(a\)](#)
- s. 70A(10)(11) inserted by [2023 c. 55 s. 110\(4\)\(b\)](#)
- s. 70B(5A)(5B) inserted by [2023 c. 55 s. 110\(5\)\(b\)](#)
- s. 73B inserted by [2023 c. 55 s. 110\(2\)](#)
- s. 74(1C)(aa) inserted by [2023 c. 55 Sch. 6 para. 5\(b\)](#)
- s. 75ZA and cross-heading inserted by [2016 c. 22 s. 155](#)
- s. 83(1A)-(1C) amendment to earlier affecting provision 2004 c. 5, s. 45(2) by [2011 c. 20 Sch. 8 para. 14\(4\)\(5\)Sch. 25 Pt. 16](#)
- s. 83(1A)-(1C) inserted by [2004 c. 5 s. 45\(2\)](#)
- s. 83(2)-(2B) amendment to earlier affecting provision 2004 c. 5, s. 45(3) by [2011 c. 20 Sch. 8 para. 14\(4\)\(5\)Sch. 25 Pt. 16](#)
- s. 83(2)-(2B) substituted for s. 83(2) by [2004 c. 5 s. 45\(3\)](#)
- s. 83(4) inserted by [2004 c. 5 s. 45\(4\)](#)
- s. 85(1A) inserted by [2004 c. 5 s. 45\(6\)](#)
- s. 93(5)(6) inserted by [2017 c. 20 Sch. 3 para. 6](#)
- s. 94(1)(e) and word inserted by [2023 c. 55 Sch. 9 para. 1\(15\)](#)
- s. 102(1A) inserted by [2023 c. 55 Sch. 6 para. 9\(b\)](#)
- s. 106A(9A) inserted by [2023 c. 55 s. 125](#)
- s. 106ZA inserted by [2016 c. 22 s. 158\(1\)](#)
- s. 106ZB inserted by [2016 c. 22 s. 159\(1\)](#)
- s. 106ZB(2)(a) omitted by [2023 c. 55 s. 130\(3\)\(b\)](#)
- s. 108(1A)(1B) inserted by [2015 c. 7 Sch. 4 para. 15\(4\)](#)
- s. 108(3A) inserted by [2004 c. 5 Sch. 6 para. 6](#)
- s. 108(3B)(ba) inserted by [2015 c. 7 Sch. 4 para. 15\(6\)](#)
- s. 108(3B)(ba) word omitted by [2023 c. 55 Sch. 9 para. 1\(16\)\(d\)\(i\)](#)
- s. 108(3B)(bb) inserted by [2023 c. 55 Sch. 9 para. 1\(16\)\(d\)\(ii\)](#)
- s. 108(3DA) inserted by [2015 c. 7 Sch. 4 para. 15\(7\)](#)
- s. 108(3DB) inserted by [2023 c. 55 Sch. 9 para. 1\(16\)\(e\)](#)
- s. 141(6) inserted by [2017 c. 20 Sch. 3 para. 7](#)
- s. 169(1)(a) words renumbered as s. 169(1)(a) by [2017 c. 20 s. 26\(5\)\(a\)](#)
- s. 169(1)(b) inserted by [2017 c. 20 s. 26\(5\)\(b\)](#)
- s. 170(8BA) inserted by [2017 c. 20 s. 26\(6\)](#)
- s. 174(2AA)(b) words substituted by [2023 c. 55 s. 113\(6\)](#)

- s. 208(5A) inserted by 2008 c. 29 Sch. 10 para. 9(2)
- s. 303(1ZZA) inserted by 2023 asc 3 Sch. 13 para. 87
- s. 303(10A) inserted by 2015 c. 7 Sch. 4 para. 19(3)
- s. 303(12) inserted by 2015 c. 7 Sch. 4 para. 19(4)
- s. 303A(1A)(za) inserted by 2023 c. 55 Sch. 8 para. 7(2)(a)
- s. 303A(9B) inserted by 2023 c. 55 Sch. 8 para. 7(4)
- s. 303A(10)(za) inserted by 2023 c. 55 Sch. 8 para. 7(5)
- s. 303A(12) inserted by 2023 c. 55 Sch. 8 para. 7(6)
- s. 303ZB inserted by 2023 c. 55 s. 134
- s. 314A inserted by 2023 asc 3 Sch. 13 para. 90
- s. 324(1A)(a) words in s. 324(1A) renumbered as s. 324(1A)(a) by 2023 c. 55 Sch. 9 para. 1(20)(a)
- s. 324(1A)(b) and word inserted by 2023 c. 55 Sch. 9 para. 1(20)(b)
- s. 333(3ZZAA) inserted by 2023 c. 55 Sch. 9 para. 1(21)(b)
- s. 333(3ZB) inserted by 2016 c. 22 s. 159(2)
- s. 333(3ZZA) inserted by 2023 c. 55 Sch. 9 para. 1(21)(a)
- Sch. 1 para. 5(4) inserted by 2023 c. 55 Sch. 17 para. 2(7)(c)
- Sch. 1 para. 7(10)(10A) substituted for Sch. 1 para. 7(10) by 2023 c. 55 Sch. 8 para. 11(2)
- Sch. 4B para. 11(3)-(5) inserted by 2017 c. 20 s. 7
- Sch. 4B para. 8(2)(fa) inserted by 2023 c. 55 s. 99(1)(b)
- Sch. 4B para. 8(2)(ca) inserted by 2023 c. 55 s. 102(2)(a)(ii)
- Sch. 4B para. 8(4A)(4B) inserted by 2023 c. 55 s. 102(2)(b)
- Sch. 4B para. 5(5)(za) inserted by 2023 c. 55 Sch. 6 para. 12(a)
- Sch. 4B para. 8(2)(da) inserted by 2023 c. 55 Sch. 6 para. 12(b)
- Sch. 4B para. 8(2)(ea) substituted for Sch. 4B para. 8(2)(e) by 2023 c. 55 s. 99(1)(a)
- Sch. 7 para. 12(1)-(1C) amendment to earlier affecting provision 2004 c. 5 s. 45(9) by 2011 c. 20 Sch. 8 para. 14(7)
- Sch. 7 para. 12(1)-(1C) substituted for Sch. 7 para. 12(1) by 2004 c. 5 s. 45(9)
- Sch. 9 para. 1(1A) inserted by 2023 c. 55 Sch. 6 para. 13(b)
- Sch. 9A inserted by 2016 c. 22 Sch. 13
- Sch. 13 para. 24A inserted by 2017 c. 20 s. 26(7)