

Status: Point in time view as at 06/11/2012.

Changes to legislation: Town and Country Planning Act 1990, Cross Heading: Supplementary provisions is up to date with all changes known to be in force on or before 15 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 6

DETERMINATION OF CERTAIN APPEALS BY PERSON APPOINTED BY SECRETARY OF STATE

Modifications etc. (not altering text)

- C1** Sch. 6 excluded (27.5.1997) by 1997 c. 8, ss. 70(4), 278(2), **Sch. 7 para. 7** (with s. 64)
- C1** Sch. 6 applied (E.) (6.4.2012) by [The Town and Country Planning \(Tree Preservation\)\(England\) Regulations 2012 \(S.I. 2012/605\)](#), regs. 1(1), **19(5)**

Supplementary provisions

- 7 If before or during the determination of an appeal under section 78 which is to be or is being determined in accordance with paragraph 1, the Secretary of State forms the opinion mentioned in section 79(6), he may direct that the determination shall not be begun or proceeded with.
- 8 (1) The ^{M1}Tribunals and Inquiries Act [^{F1}1992] shall apply to a local inquiry or other hearing held in pursuance of this Schedule as it applies to a statutory inquiry held by the Secretary of State, but as if in [^{F2}section 10(1)] of that Act (statement of reasons for decisions) the reference to any decision taken by the Secretary of State were a reference to a decision taken by an appointed person.
- [^{F3}(1A) A local inquiry or hearing held in pursuance of this Schedule shall be a statutory inquiry for the purposes of Schedule 7 to the Tribunals, Courts and Enforcement Act 2007 (functions etc. of Administrative Justice and Tribunals Council).]
- (2) Where an appointed person is an officer of [^{F4}the Department for Communities and Local Government] or the Welsh Office the functions of determining an appeal and doing anything in connection with it conferred on him by this Schedule shall be treated for the purposes of the ^{M2}Parliamentary Commissioner Act 1967—
- (a) if he was appointed by the Secretary of State for the time being having general responsibility in planning matters in relation to England, as functions of that Department; and
- (b) if he was appointed by the Secretary of State for the time being having general responsibility in planning matters in relation to Wales, as functions of the Welsh Office.

Textual Amendments

- F1** Word in Sch. 6 para. 8(1) substituted (1.10.1992) by [Tribunals and Inquiries Act 1992 \(c. 53\)](#), ss. 18(1), 19(2), **Sch. 3 para. 28(a)**
- F2** Words in Sch. 6 para. 8(1) substituted (1.10.1992) by [Tribunals and Inquiries Act 1992 \(c. 53\)](#), ss. 18(1), 19(2), **Sch. 3 para. 28(b)**

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F3 Sch. 6 para. 8(1A) inserted (1.11.2007) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 48(1), 148, **Sch. 8 para. 10**; S.I. 2007/2709, **art. 3(b)(i)**

F4 Words in Sch. 6 para. 8(2) substituted (21.8.2006) by The Secretary of State for Communities and Local Government Order 2006 (S.I. 2006/1926), art. 9, **Sch. para. 3(5)**

Modifications etc. (not altering text)

C1 Sch. 6 para. 8(2)(b) modified (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**

Marginal Citations

M1 1992 c. 53.

M2 1967 c. 13.

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