



# Growth and Infrastructure Act 2013

## 2013 CHAPTER 27

*Promoting growth and facilitating provision of infrastructure, and related matters*

### **2 Planning proceedings: costs etc**

(1) In section 320 of the Town and Country Planning Act 1990 (local inquiries), at the end insert—

“(3) In its application by subsection (2) to an inquiry held in England, section 250(4) of that Act has effect as if—

- (a) after “the costs incurred by him in relation to the inquiry” there were inserted “, or such portion of those costs as he may direct, ”, and
- (b) after “the amount of the costs so incurred” there were inserted “ or, where he directs a portion of them to be paid, the amount of that portion ”.”

(2) In section 322 of that Act (orders as to costs of parties where no local inquiry held), after subsection (1A) insert—

“(1B) Section 250(4) of the Local Government Act 1972 applies to costs incurred by the Secretary of State, or a person appointed by the Secretary of State, in relation to proceedings in England to which this section applies which do not give rise to a local inquiry as it applies to costs incurred in relation to a local inquiry.

(1C) In its application for that purpose, section 250(4) of that Act has effect as if—

- (a) after “the costs incurred by him in relation to the inquiry” there were inserted “, or such portion of those costs as he may direct, ”, and
- (b) after “the amount of the costs so incurred” there were inserted “ or, where he directs a portion of them to be paid, the amount of that portion ”.

(1D) Section 42 of the Housing and Planning Act 1986 (recovery of Minister's costs) applies to costs incurred in relation to proceedings in England to which this section applies which do not give rise to a local inquiry as it applies to costs incurred in relation to an inquiry.”

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*Changes to legislation: There are currently no known outstanding effects for the Growth and Infrastructure Act 2013, Section 2. (See end of Document for details)*

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- (3) In section 322A of that Act (costs orders: supplementary), after subsection (2) insert—
- “(3) Where this section applies in the case of an inquiry or hearing which was to take place in England but did not, section 250(4) of that Act applies to costs incurred by the Secretary of State or a person appointed by the Secretary of State as if—
- (a) in the case of an inquiry, the inquiry had taken place;
  - (b) in the case of a hearing, the hearing were an inquiry which had taken place.
- (4) In its application for that purpose, section 250(4) of that Act has effect as if—
- (a) after “the costs incurred by him in relation to the inquiry” there were inserted “, or such portion of those costs as he may direct, ”, and
  - (b) after “the amount of the costs so incurred” there were inserted “ or, where he directs a portion of them to be paid, the amount of that portion ”.
- (5) Section 42 of the Housing and Planning Act 1986 (recovery of Minister's costs) applies to costs incurred in relation to a hearing of the kind referred to in subsection (1) or (1A) which was to take place in England but did not as it applies to costs incurred in relation to an inquiry which was to take place but did not.”
- (4) In section 322B of that Act (local inquiries in London: costs), in the subsection set out in subsection (5)—
- (a) after “the costs incurred by the Secretary of State in relation to the inquiry” insert “, or such portion of those costs as he may direct, ”, and
  - (b) after “the amount of the costs so incurred” insert “ or, where he directs a portion of them to be paid, the amount of that portion ”.
- (5) In section 323 of that Act (power to make provision about procedure in cases where no inquiry or hearing etc), after subsection (3) insert—
- “(4) Regulations made by the Secretary of State under this section may include provision as to the circumstances in which, in proceedings in England such as are mentioned in subsection (1) or (1A)—
- (a) directions may be given under section 250(4) of the Local Government Act 1972 as applied by a prescribed provision of this Act;
  - (b) orders for costs may be made under section 250(5) of that Act as so applied.”

(6) In section 9 of the Tribunals and Inquiries Act 1992 (power to make provision about procedure in inquiries and hearings), after subsection (3) insert—

“(3ZA) Rules made by the Lord Chancellor under this section may include provision as to the circumstances in which, in statutory inquiries held in England—

    - (a) directions may be given under section 250(4) of the Local Government Act 1972 as applied by a provision of the Town and Country Planning Act 1990 specified in the rules;
    - (b) orders for costs may be made under section 250(5) of the Local Government Act 1972 as so applied.”

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**Changes to legislation:** There are currently no known outstanding effects for the Growth and Infrastructure Act 2013, Section 2. (See end of Document for details)

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(7) In Schedule 6 to the Town and Country Planning Act 1990 (determination of certain appeals by person appointed by the Secretary of State), in paragraph 2, after subparagraph (10) insert—

“(11) The Secretary of State may, if he thinks fit, direct that anything in connection with an appeal in England to which this Schedule applies which would otherwise fall to be done by an appointed person shall instead be done by the Secretary of State.”

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**Commencement Information**

- I1** S. 2(1)-(6) in force at 1.10.2013 by S.I. 2013/2143, art. 2(b)  
**I2** S. 2(7) in force at 25.6.2013 by S.I. 2013/1488, art. 3(a)

**Changes to legislation:**

There are currently no known outstanding effects for the Growth and Infrastructure Act 2013, Section 2.