

STATUTORY INSTRUMENTS

1991 No. 1220

The Planning (Northern Ireland) Order 1991

PART XI

THE PLANNING APPEALS COMMISSION

The Planning Appeals Commission

110^{F1}.—(1) There shall continue to be a Planning Appeals Commission (in this Part referred to as the “appeals commission”).

(2) The appeals commission shall consist of the following persons appointed by the^{F2} First Minister and deputy First Minister acting jointly]

(a) a chief commissioner^{F3} and deputy chief commissioner]; and

(b) such number, if any, of other commissioners as the Department may, with the consent of the Department of Finance and Personnel, determine.

(3) A commissioner shall not engage, whether directly or indirectly, or be a partner of any person who engages, in a gainful profession, occupation or business if to do so would in any way be incompatible with his functions under this Order.

(4) There shall be paid to a commissioner such remuneration and allowances and to him, or in respect of his services, such pensions, allowances or benefits as the Department may determine with the approval of the Department of Finance and Personnel.

(5) The Department may appoint persons to assist the appeals commission in the performance of its functions, and there shall be paid to persons so appointed such remuneration and allowances and to, or in respect of the service of, those persons such pensions, allowances or benefits as the Department may determine with the approval of the Department of Finance and Personnel.

F1 functions transf. by SR 2001/229

F2 SI 1999/663

F3 2003 NI 8

Procedure of appeals commission

111.—(1^{F4} Where, under this Order or any other transferred provision, the appeals commission may determine an appeal—

(a) the appeal shall be heard by such member [^{F5}or members] of the appeals commission as the chief commissioner may appoint in that behalf;

(b) except where an appeal is to be decided solely by reference to written representations, the chief commissioner may, after consultation with the appeals commission and the Department, appoint an assessor to sit with the member [^{F6}or members] appointed under

Status: Point in time view as at 10/06/2006.

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sub-paragraph (a) at the appeal to advise [^{F7}the member or members] on any matters arising;

(c) notwithstanding sub-paragraphs (a) and (b), any decision on the appeal shall be made by the appeals commission.

(2) ^{F4} Where, under this Order or any other transferred provision, the appeals commission may hold an inquiry or hearing—

(a) the inquiry or hearing shall be held by such member [^{F8}or members] of the appeals commission as the chief commissioner may appoint in that behalf;

(b) the chief commissioner may, after consultation with the appeals commission and the Department, appoint an assessor to sit with the member [^{F9}or members] appointed under sub-paragraph (a) at the inquiry or hearing to advise [^{F10}the member or members] on any matters arising;

(c) notwithstanding sub-paragraphs (a) and (b), any report on the inquiry or hearing shall be made by the appeals commission.

(3) ^{F4} The appeals commission may pay to any assessor appointed under paragraph (1)(b) or (2) (b) such fees and allowances as the commission, with the approval of the Department, may approve.

(4) Where, under this Order or any other transferred provision, the appeals commission may determine an appeal in relation to a decision of the Department, the commission may confirm, reverse or vary the decision and any determination of the commission on the appeal shall have the like effect as a decision of the Department for the purpose of this Order or any such provision, except a provision relating to appeals.

(5) ^{F4} The Department, after consultation with the appeals commission, may make rules for regulating the procedure for proceedings before the appeals commission and, subject to this Order and any such rules, that procedure shall be such as the appeals commission may determine.

[^{F11}(5A) Rules under paragraph (5) which provide for the taking of any decision may, in particular, provide for that decision to be taken—

(a) by a panel of not fewer than 4 commissioners; or

(b) by a single commissioner.]

(5B) Rules under paragraph (5) which provide for the making of any report may, in particular, provide for that report to be made—

(a) by a panel of commissioners;

(b) by a single commissioner.

(6) Where, under this Order or any other transferred provision, a person has been afforded an opportunity of appearing before and being heard by the appeals commission or the appeals commission holds an inquiry, the appeals commission shall make a report on the hearing or inquiry to the Department and the Department shall consider that report.

F4 functions transf. by SR 2001/229

F5 Words in art. 111(1)(a) inserted (18.5.2006) by Planning Reform (Northern Ireland) Order 2006 (S.I. 2006/1252 (N.I. 7)), arts. 1(3)(b), **15(2)(a)**; S.R. 2006/222, **art. 2**

F6 Words in art. 111(1)(b) inserted (18.5.2006) by Planning Reform (Northern Ireland) Order 2006 (S.I. 2006/1252 (N.I. 7)), arts. 1(3)(b), **15(2)(b)(i)**; S.R. 2006/222, **art. 2**

F7 Words in art. 111(1)(b) substituted (18.5.2006) by Planning Reform (Northern Ireland) Order 2006 (S.I. 2006/1252 (N.I. 7)), arts. 1(3)(b), **15(2)(b)(ii)**; S.R. 2006/222, **art. 2**

F8 Words in art. 111(2)(a) inserted (18.5.2006) by Planning Reform (Northern Ireland) Order 2006 (S.I. 2006/1252 (N.I. 7)), arts. 1(3)(b), **15(3)(a)**; S.R. 2006/222, **art. 2**

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- F9** Words in art. 111(2)(b) inserted (18.5.2006) by Planning Reform (Northern Ireland) Order 2006 (S.I. 2006/1252 (N.I. 7)), arts. 1(3)(b), **15(3)(b)(i)**; S.R. 2006/222, **art. 2**
- F10** Words in art. 111(2)(b) substituted (18.5.2006) by Planning Reform (Northern Ireland) Order 2006 (S.I. 2006/1252 (N.I. 7)), arts. 1(3)(b), **15(3)(b)(ii)**; S.R. 2006/222, **art. 2**
- F11** Art. 111(5A) substituted (18.5.2006) by Planning Reform (Northern Ireland) Order 2006 (S.I. 2006/1252 (N.I. 7)), arts. 1(3)(b), **15(4)**; S.R. 2006/222, **art. 2**

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