
DRAFT STATUTORY INSTRUMENTS

2023 No.

**The Town and Country Planning (Fees for Applications,
Deemed Applications, Requests and Site Visits)
(England) (Amendment) Regulations 2023**

PART 3

Savings

Removal of second application exemptions: savings in respect of applications made before the commencement date

18.—(1) The 2012 Fees Regulations as they had effect immediately before the commencement date continue to apply on and after that date in relation to any existing second application.

(2) In this regulation “existing second application” means an application mentioned in regulation 8(1), 9(1), 11(4), 11A(4), 13(9) or 14(1C) of the 2012 Fees Regulations as they had effect immediately before the commencement date—

- (a) which was made before the commencement date, and
- (b) in respect of which all of the exemption conditions were satisfied before that date.

(3) For the purposes of paragraph (2) “exemption conditions” means the conditions set out in regulation 8(2), 9(2), 11(5), 11A(5), 13(10) or, as the case may be, 14(1D) of the 2012 Fees Regulations as they had effect immediately before the commencement date.

Removal of second application exemptions: savings for cases where the application period had not ended before the commencement date

19.—(1) This regulation applies where a new second application is made on or after the commencement date.

(2) The 2012 Fees Regulations as they had effect immediately before the commencement date apply for the purposes of determining whether a fee is payable in respect of the new second application.

(3) In this regulation “new second application” means an application—

- (a) mentioned in regulation 8(1), 9(1), 11(4), 11(4A), 13(9) or, as the case may be, 14(1C) of the 2012 Fees Regulations as they had effect immediately before the commencement date, and
- (b) in respect of which the application period had begun but had not ended before that date.

(4) For the purposes of paragraph (3), “the application period” means the period mentioned in regulation 8(2)(a), 9(2)(a), 11(5)(a), 11A(5)(a), 13(10)(a) or, as the case may be, 14(1D)(a) of the 2012 Fees Regulations as they had effect immediately before the commencement date.

Refund of fees: savings

20. Regulation 9A of the 2012 Fees Regulations as it had effect immediately before the commencement date continues to apply on and after that date in respect of any application made before that date.

Amounts of fees: savings

21. The amendments made to the 2012 Fees Regulations by regulations 7(3), 10(2), 11, 12, 13, 14, 16 and 17 of these Regulations do not apply to—

- (a) any application—
 - (i) made before the commencement date, or
 - (ii) deemed to have been made, by virtue of section 177(5) of the Town and Country Planning Act 1990, in connection with an enforcement notice issued before the commencement date,
- (b) any request made before the commencement date, or
- (c) any site visit which takes place before the commencement date.