

Status: Point in time view as at 08/11/1995.

Changes to legislation: There are currently no known outstanding effects for the Town and Country Planning (Scotland) Act 1972 (repealed 27.5.1997), Cross Heading: Procedure for dealing with objections. (See end of Document for details)

SCHEDULES

[^{F1}SCHEDULE 6A

SIMPLIFIED PLANNING ZONE SCHEMES]

Textual Amendments

F1 Sch. 6A inserted by Housing and Planning Act 1986 (c. 63, SIF 123:2), s. 26(2)(3), **Sch. 6 Pt. III**

[^{F2} Procedure for dealing with objections]

Textual Amendments

F2 Sch. 6A para. 7(1)(2) and crossheading substituted (30.8.1995) for Sch.6A para. 7(1)-(3) by Planning and Compensation Act 1991 (c. 34, SIF 123:2), s. 61, **Sch. 13 para. 2(1)** (with s. 84); S.I. 1995/2045, **art. 3** (with art. 4)

[^{F37} (1) Where objections to the proposed scheme or alterations are made, the planning authority may—

- (a) for the purpose of considering the objections, cause a local inquiry or other hearing to be held by a person appointed by the Secretary of State or, in such cases as may be prescribed, appointed by the authority, or
- (b) require the objections to be considered by a person appointed by the Secretary of State.

(2) A planning authority shall exercise the power under sub-paragraph (1), or paragraph (a) or (b) of that sub-paragraph, if directed to do so by the Secretary of State.]

[^{F4F4}(3A) The planning authority shall—

- (a) where a person appointed under or by virtue of this paragraph is in the public service of the Crown, pay the Secretary of State; and
- (b) in any other case, pay the person so appointed,

a sum, determined in accordance with regulations under sub-paragraph (3B) below, in respect of the performance by the person so appointed of his functions in relation to the inquiry or hearing (whether or not it takes place).

^{F4}(3B) Regulations made by the Secretary of State may make provision with respect to the determination of the sum referred to in sub-paragraph (3A) above and may in particular prescribe, in relation to any class of person appointed under or by virtue of this paragraph, a standard daily amount applicable in respect of each day on which a person of that class is engaged in holding, or in work connected with, the inquiry or hearing.

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- ^{F4}(3C) Without prejudice to the generality of sub-paragraph (3B) above, the Secretary of State may, in prescribing by virtue of that sub-paragraph a standard daily amount for any class of person—
- (a) where the persons of that class are in the public service of the Crown, have regard to the general staff costs and overheads of his department; and
 - (b) in any other case, have regard to the general administrative costs incurred by persons of that class in connection with the performance by them of their functions in relation to such inquiries and hearings.]
- (4) Regulations may—
- (a) make provision with respect to the appointment, and qualifications for appointment, of persons [^{F5}for the purposes of this paragraph];
 - (b) include provision enabling the Secretary of State to direct a planning authority to appoint a particular person, or one of a specified list or class of persons;
 - (c) make provision with respect to the ^{F6} . . . allowances of the person appointed.
- (5) The Tribunals and Inquiries Act 1971 applies to a local inquiry or other hearing held under this paragraph as it applies to a statutory inquiry held by the Secretary of State, with the substitution in section 12(1) (statement of reasons for decision) for the references to a decision taken by the Secretary of State of references to a decision taken by a planning authority.

Textual Amendments

- F3** Sch. 6A para. 7(1)(2) and crossheading substituted (30.8.1995) for Sch. 6A para. 7(1)-(3) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:2\)](#), s. 61, [Sch. 11 para. 2\(1\)](#) (with s. 84); S.I. 1995/2045, [art. 3](#) (with art. 4)
- F4** By 1995 c. 49, [s. 3\(3\)\(a\)\(4\)](#) it is provided that [Sch. 6A para. 7\(3A\)-\(3C\)](#) is inserted (8.11.1995 with effect in relation to the performance of functions in relation to inquiries or hearings before as well as after 8.11.1995) after sub-paragraph (3)
- F5** Words in [Sch. 6A para. 7\(4\)](#) substituted (30.8.1995) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:2\)](#), ss. 61, 84(2), [Sch. 11 para. 5](#) (with s. 84); S.I. 1995/2045, [art. 3](#) (with art. 4)
- F6** Words in [Sch. 6A para. 7\(4\)\(c\)](#) omitted (8.11.1995 with effect in relation to the performance of functions in relation to inquiries or hearings before as well as after 8.11.1995) by virtue of 1995 c. 49, [s. 3\(3\)\(b\)\(4\)](#)

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