

Status: Point in time view as at 25/09/1991. This version of this provision has been superseded.

Changes to legislation: Town and Country Planning Act 1990, Paragraph 2 is up to date with all changes known to be in force on or before 08 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)

Powers and duties of appointed person

- 2 (1) An appointed person shall have the same powers and duties—
- (a) in relation to an appeal under section 78, as the Secretary of State has under [F1subsections (1), (4) and (6A)] of section 79;
 - (b) in relation to an appeal under section 174, as he has under sections 176(1), (2) and (5) and 177(1) to (4);
 - (c) in relation to an appeal under section 195, as he has under subsections (2) and (3) of that section and subsection (5) of section 196;
 - (d) in relation to an appeal under section 208, as he has under subsections (7) and (8) of that section.
- (2) Sections 79(2), 175(3), 196(1) and 208(5) shall not apply to an appeal which falls to be determined by an appointed person, but before it is determined the Secretary of State shall ask the appellant and the local planning authority whether they wish to appear before and be heard by the appointed person.
- (3) If both the parties express a wish not to appear and be heard the appeal may be determined without their being heard.
- (4) If either of the parties expresses a wish to appear and be heard, the appointed person shall give them both an opportunity of doing so.
- (5) Sub-paragraph (2) does not apply in the case of an appeal under section 78 if the appeal is referred to a Planning Inquiry Commission under section 101.
- (6) Where an appeal has been determined by an appointed person, his decision shall be treated as that of the Secretary of State.
- (7) Except as provided by Part XII, the validity of that decision shall not be questioned in any proceedings whatsoever.
- (8) It shall not be a ground of application to the High Court under section 288, or of appeal to the High Court under section 289 or 290, that an appeal ought to have been determined by the Secretary of State and not by an appointed person, unless the appellant or the local planning authority challenge the appointed person's power to determine the appeal before his decision on the appeal is given.

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- (9) Where in any enactment (including this Act) there is a reference to the Secretary of State in a context relating or capable of relating to an appeal to which this Schedule applies or to anything done or authorised or required to be done by, to or before the Secretary of State on or in connection with any such appeal, then so far as the context permits it shall be construed, in relation to an appeal determined or falling to be determined by an appointed person, as a reference to him.

Textual Amendments

- F1** Words in **Sch. 6 para. 2(1)(a)** substituted (25.9.1991) by **Planning and Compensation Act 1991 (c. 34, SIF 123:1)**, s. 32, **Sch. 7 para. 54(3)(a)** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

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