

Status: Point in time view as at 28/09/2004.

Changes to legislation: *Planning and Compulsory Purchase Act 2004, Paragraph 11 is up to date with all changes known to be in force on or before 18 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

AMENDMENTS OF THE PLANNING ACTS

Town and Country Planning Act 1990 (c. 8)

- 11 (1) Section 303A (recovery of costs of certain inquiries) is amended as follows.
- (2) For subsection (1) there are substituted the following subsections—
- “(1) This section applies if the appropriate authority appoints a person to carry out or hold a qualifying procedure.
- (1A) A qualifying procedure is—
- (a) an independent examination under section 20 or 64 of the Planning and Compulsory Purchase Act 2004;
 - (b) a local inquiry or other hearing under paragraph 8(1)(a) of Schedule 7;
 - (c) the consideration of objections under paragraph 8(1)(b) of that Schedule.
- (1B) The appropriate authority is—
- (a) the Secretary of State if the local planning authority causing the procedure to be carried out or held is in England;
 - (b) the National Assembly for Wales if the local planning authority causing the procedure to be carried out or held is in Wales.”

(3) In each of subsections (2) to (6) and (10)(a) in each place where it occurs—

 - (a) for “Secretary of State” there is substituted “ appropriate authority ”;
 - (b) for “him” there is substituted “ it ”;
 - (c) for “he” there is substituted “ it ”.

(4) In each of subsections (2), (4), (5) and (6) in each place where it occurs for “inquiry” there is substituted “ procedure ”.

(5) In subsection (5) each of the following is omitted—

 - (a) “or appointed as one of the persons who are to hold it”;
 - (b) “(in addition to what may be recovered by virtue of the appointment of any other person)”;
 - (c) in paragraph (c), “(or, in a case where that person is appointed as one of the persons who are to hold the qualifying inquiry, an appropriate proportion of any costs attributable to the appointment of an assessor to assist those persons)”.

(6) Subsections (7) to (9) are omitted.

(7) Before subsection (10) there is inserted the following subsection—

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“(9A) References to a local planning authority causing a qualifying inquiry to be held include references to a requirement under the Planning and Compulsory Purchase Act 2004 on the authority to submit a plan to the appropriate authority for independent examination.”

Commencement Information

11 Sch. 6 para. 11 in force at 28.9.2004 for E. by [S.I. 2004/2202](#), **art. 2(h)** (with [art. 4](#), [Sch. 2](#))

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