



# Planning Act 2008

## 2008 CHAPTER 29

### PART 1

#### [<sup>F1</sup>INFRASTRUCTURE PLANNING: FEES]

##### Textual Amendments

- F1** Words in Pt. 1 heading substituted (15.1.2012 for specified purposes, 1.4.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 13 para. 3\(5\)](#); S.I. 2012/57, art. 2(a); S.I. 2012/628, art. 7(a)

## 1 The Infrastructure Planning Commission

- (1) There is to be a body corporate called the Infrastructure Planning Commission (in this Act referred to as “the Commission”).
- (2) The Commission's functions are those conferred on it by or under this or any other Act.
- (3) Schedule 1 is about the Commission.

##### Commencement Information

- 11** S. 1 in force at 1.10.2009 by [S.I. 2009/2260](#), [art. 2\(a\)](#)

## 2 Code of conduct

- (1) The Commission must issue a code about the conduct expected of Commissioners in connection with the performance of the Commission's functions.
- (2) The code must include—
  - (a) provision requiring each Commissioner to disclose financial and other interests in accordance with the procedure established under section 3, and
  - (b) such other provision as the Secretary of State may direct.

*Status: Point in time view as at 15/01/2012.*

*Changes to legislation: Planning Act 2008, Part 1 is up to date with all changes known to be in force on or before 29 June 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)*

- (3) The Commission must arrange for the code to be published.
- (4) The Commission—
  - (a) must keep the code under review, and
  - (b) may from time to time revise it or replace it.
- (5) References in this Act to the code of conduct issued under this section include the code as revised or replaced under this section.
- (6) A failure to observe any provision of the code does not of itself make a Commissioner liable to any criminal or civil proceedings.

**Commencement Information**

**I2** S. 2 in force at 1.10.2009 by [S.I. 2009/2260](#), [art. 2\(a\)](#)

### 3 Register of Commissioners' interests

- (1) The Commission must establish a procedure for the disclosure and registration of financial and other interests of Commissioners.
- (2) The Commission must arrange for the register entries to be published.

**Commencement Information**

**I3** S. 3 in force at 1.10.2009 by [S.I. 2009/2260](#), [art. 2\(a\)](#)

### 4 Fees

- (1) The Secretary of State may make regulations providing for the [<sup>F2</sup>charging of fees by the Secretary of State in connection with the performance of any of the Secretary of State's major-infrastructure functions].
- (2) Regulations under subsection (1) may in particular make provision—
  - (a) about when a fee (including a supplementary fee) may, and may not, be charged;
  - (b) about the amount which may be charged;
  - (c) about what may, and may not, be taken into account in calculating the amount charged;
  - (d) about who is liable to pay a fee charged;
  - (e) about when a fee charged is payable;
  - (f) about the recovery of fees charged;
  - (g) about waiver, reduction or repayment of fees;
  - (h) about the effect of paying or failing to pay fees charged;
  - (i) for the supply of information for any purpose of the regulations.
- (3) The regulations may provide for the amounts of fees to be calculated by reference to costs [<sup>F3</sup>incurred by the Secretary of State]—
  - (a) in the performance of any of [<sup>F4</sup>the Secretary of State's major-infrastructure functions], and

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- (b) in doing anything which is calculated to facilitate, or is conducive or incidental to, the performance of any of [<sup>F4</sup>the Secretary of State's major-infrastructure functions].

[<sup>F5</sup>(4) In this section “ the Secretary of State's major-infrastructure functions ” means—

- (a) the Secretary of State's functions under Parts 2 to 8 and under Part 12 so far as applying for the purposes of those Parts,
- (b) the giving of advice to which section 51 applies, and
- (c) the Secretary of State's functions, in relation to proposed applications for orders granting development consent, under statutory provisions implementing—
- (i) Council Directive 85/337/ EC on the assessment of the effects of certain public and private projects on the environment, as amended from time to time, or
- (ii) provisions of an EU instrument which from time to time replace provisions of that Directive.

(5) In subsection (4)(c) “ statutory provision ” means a provision of an Act or of an instrument made under an Act. ]

#### Textual Amendments

- F2** Words in s. 4(1) substituted (15.1.2012 for specified purposes, 1.4.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 13 para. 3\(2\)](#); S.I. 2012/57, art. 2(a); S.I. 2012/628, art. 7(a)
- F3** Words in s. 4(3) substituted (15.1.2012 for specified purposes, 1.4.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 13 para. 3\(3\)\(a\)](#); S.I. 2012/57, art. 2(a); S.I. 2012/628, art. 7(a)
- F4** Words in s. 4(3) substituted (15.1.2012 for specified purposes, 1.4.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 13 para. 3\(3\)\(b\)](#); S.I. 2012/57, art. 2(a); S.I. 2012/628, art. 7(a)
- F5** S. 4(4)(5) inserted (15.1.2012 for specified purposes, 1.4.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 13 para. 3\(4\)](#); S.I. 2012/57, art. 2(a); S.I. 2012/628, art. 7(a)

#### Commencement Information

- I4** S. 4 in force at 1.10.2009 in so far as not already in force by [S.I. 2009/2260](#), [art. 2\(a\)](#)

**Status:**

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