



# Planning Act 2008

## 2008 CHAPTER 29

### PART 6

#### DECIDING APPLICATIONS FOR ORDERS GRANTING DEVELOPMENT CONSENT

### CHAPTER 3

#### THE SINGLE-COMMISSIONER PROCEDURE

#### *The single Commissioner*

#### **78 Single Commissioner to handle application**

- (1) This Chapter applies where—
  - (a) the Commission accepts an application for an order granting development consent, and
  - (b) under section 61(2), it is decided that the application is to be handled by a single Commissioner under this Chapter.
- (2) In this Chapter “the single Commissioner” means the person who is appointed to handle the application under this Chapter.

#### **Commencement Information**

**II** S. 78 in force at 1.3.2010 by [S.I. 2010/101](#), [art. 3\(d\)](#) (with [art. 6](#))

#### **79 Appointment of single Commissioner**

- (1) The person appointed to chair the Commission must appoint a Commissioner to handle the application.
- (2) A person may under subsection (1) make a self-appointment.

*Status: Point in time view as at 01/03/2010.*

*Changes to legislation: Planning Act 2008, Cross Heading: The single Commissioner is up to date with all changes known to be in force on or before 12 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) Before making an appointment under subsection (1), the person making the appointment must consult—
- (a) the other Commissioners who, for the purpose of responding to consultation about the appointment, are members of the Council,
  - (b) any Commissioner not within paragraph (a) who the person thinks it appropriate to consult, and
  - (c) the chief executive of the Commission.
- (4) In making an appointment under subsection (1), the person making the appointment must have regard to any views expressed—
- (a) by any of the other Commissioners, or
  - (b) by the chief executive of the Commission,
- as to which Commissioner should be appointed.

**Commencement Information**

**I2** S. 79 in force at 1.3.2010 by [S.I. 2010/101](#), **art. 3(d)** (with **art. 6**)

**80 Ceasing to be the single Commissioner**

- (1) A person ceases to be the single Commissioner if the person ceases to be a Commissioner, but this is subject to section 81.
- (2) A person may resign from being the single Commissioner by giving notice in writing to the Commission.
- (3) The person appointed to chair the Commission (“the chair”) may remove a person (“the appointee”) from being the single Commissioner if the chair is satisfied that the appointee is unable, unwilling or unfit to perform the duties of the single Commissioner.

**Commencement Information**

**I3** S. 80 in force at 1.3.2010 by [S.I. 2010/101](#), **art. 3(d)** (with **art. 6**)

**81 Single Commissioner continuing though ceasing to be Commissioner**

- (1) This section applies if—
  - (a) a person (“the ex-Commissioner”) ceases to hold office as a Commissioner (other than by being removed from office under paragraph 4(2) of Schedule 1),
  - (b) immediately before ceasing to hold office, the ex-Commissioner is the single Commissioner,
  - (c) the ex-Commissioner is still handling the application at the time the ex-Commissioner ceases to hold office, and
  - (d) before ceasing to hold office, the ex-Commissioner elects to continue acting as a Commissioner in relation to the application.
- (2) For the purpose of the application, the ex-Commissioner is to be treated as continuing to hold office until—

*Status: Point in time view as at 01/03/2010.*

*Changes to legislation: Planning Act 2008, Cross Heading: The single Commissioner is up to date with all changes known to be in force on or before 12 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)*

- (a) the ex-Commissioner has reported to the Commission, or (as the case may be) the Secretary of State, on the application, or
  - (b) (if earlier) the ex-Commissioner ceases to be the single Commissioner.
- (3) For the purpose of any proceedings arising out of the application, the ex-Commissioner is to be treated as having continued to hold office until—
- (a) the ex-Commissioner had reported to the Commission, or (as the case may be) the Secretary of State, on the application, or
  - (b) (if earlier) the ex-Commissioner ceased to be the single Commissioner.
- (4) An election under subsection (1)(d) is effective only if made in writing to each of the following—
- (a) the chief executive of the Commission;
  - (b) the person appointed to chair the Commission, where the ex-Commissioner is not the person appointed to chair the Commission.

**Commencement Information**

**I4** S. 81 in force at 1.3.2010 by [S.I. 2010/101](#), [art. 3\(d\)](#) (with [art. 6](#))

**82 Appointment of replacement single Commissioner**

- (1) Where a person ceases to be the single Commissioner, a new appointment of a person to handle the application must be made under section 79.
- (2) Where that happens, the new single Commissioner may, so far as may be appropriate, decide to treat things done by or in relation to any previous single Commissioner as done by or in relation to the new single Commissioner.
- (3) Where the single Commissioner makes a decision under subsection (2), the single Commissioner is under a duty to acquire the necessary knowledge of the previous proceedings on the application.

**Commencement Information**

**I5** S. 82 in force at 1.3.2010 by [S.I. 2010/101](#), [art. 3\(d\)](#) (with [art. 6](#))

**Status:**

Point in time view as at 01/03/2010.

**Changes to legislation:**

Planning Act 2008, Cross Heading: The single Commissioner is up to date with all changes known to be in force on or before 12 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.