
STATUTORY INSTRUMENTS

1992 No. 1903

TRIBUNALS AND INQUIRIES

**The Town and Country Planning (Enforcement)
(Inquiries Procedure) Rules 1992**

<i>Made</i>	- - - -	<i>29th July 1992</i>
<i>Laid before Parliament</i>		<i>10th August 1992</i>
<i>Coming into force</i>	- -	<i>1st September 1992</i>

The Lord Chancellor, in exercise of the powers conferred on him by section 11 of the Tribunals and Inquiries Act 1971(1) and all other powers enabling him in that behalf, and after consultation with the Council on Tribunals, hereby makes the following Rules—

Citation and commencement

1. These Rules may be cited as the Town and Country Planning (Enforcement) (Inquiries Procedure) Rules 1992 and shall come into force on 1st September 1992.

Interpretation

2. In these Rules, unless the context otherwise requires—

“assessor” means a person appointed by the Secretary of State to sit with an inspector at an inquiry or re-opened inquiry to advise the inspector on such matters arising as the Secretary of State may specify;

“certificate of lawful use or development” means a certificate under section 191 or 192 of the Planning Act;

“development order” has the meaning given in section 59 of the Planning Act;

“document” includes a photograph, map or plan;

“enforcement appeal” means an appeal against an enforcement notice;

“enforcement notice” means a notice under section 172 of the Planning Act or under section 38 of the Listed Buildings Act;

“inquiry” means a local inquiry in relation to which these Rules apply;

“inspector” means—

(1) 1971 c. 62; applied by paragraph 8(1) of Schedule 6 to the Town and Country Planning Act 1990 (c. 8) and paragraph 7(1) of Schedule 3 to the Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9).

- (a) in relation to a transferred appeal, the person appointed by the Secretary of State to determine the appeal;
- (b) in relation to a non-transferred appeal, the person appointed by the Secretary of State to hold the relevant inquiry or re-opened inquiry;

“land” means the land or building to which an inquiry relates;

“Listed Buildings Act” means the Planning (Listed Buildings and Conservation Areas) Act 1990(2);

“local planning authority” means—

- (a) in relation to an enforcement appeal, the authority who issued the relevant enforcement notice;
- (b) in relation to an appeal against the refusal or non-determination of an application for a certificate of lawful use or development, the authority to whom the application was made;

“non-transferred appeal” means an appeal which falls to be determined by the Secretary of State, including an appeal which falls to be so determined by virtue of a direction under paragraph 3(1) of Schedule 6 to the Planning Act or paragraph 3(1) of Schedule 3 to the Listed Buildings Act;

“Planning Act” means the Town and Country Planning Act 1990(3);

“pre-inquiry meeting” means a meeting held before an inquiry to consider what may be done with a view to securing that the inquiry is conducted efficiently and expeditiously, and where two or more such meetings are held references to the conclusion of a pre-inquiry meeting are references to the conclusion of the final meeting;

“relevant date” means the date of the Secretary of State’s written notice to the appellant and the local planning authority of his intention to cause an inquiry to be held, and “relevant notice” means that notice;

“statement of case” means, and is comprised of, a written statement which contains full particulars of the case which a person proposes to put forward at an inquiry, and a list of any documents which that person intends to refer to or put in evidence;

“transferred appeal” means an appeal which falls to be determined by a person appointed by the Secretary of State under Schedule 6 to the Planning Act or Schedule 3 to the Listed Buildings Act.

Application of Rules

3. These Rules apply in relation to any local inquiry held in England or Wales for the purposes of an appeal made on or after 1st September 1992 under—

- (a) section 174(4) of the Planning Act (appeal against enforcement notice);
- (b) section 195(5) of the Planning Act (appeal against refusal or non-determination of an application for a certificate of lawful use or development);
- (c) section 39(6) of the Listed Buildings Act (appeal against listed building enforcement notice) or under that section as applied by virtue of section 74(3) of that Act (appeal against conservation area enforcement notice),

(2) 1990 c. 9.

(3) 1990 c. 8.

(4) Section 174 was amended by section 6(1) of, and paragraph 22 of Schedule 7 to, the Planning and Compensation Act 1991 (c. 34).

(5) Section 195 was amended by paragraph 32 of that Schedule.

(6) Section 39 was amended by paragraph 3 of Schedule 3 to that Act.

but do not apply to any local inquiry by reason of the application of any provision mentioned in this rule by or under any other enactment.

Preliminary information to be supplied by local planning authority—enforcement appeal

4. In the case of an enforcement appeal, the local planning authority shall, on receipt of a relevant notice, forthwith inform the appellant in writing of the name and address of any person on whom a copy of the enforcement notice has been served.

Notification of identity of inspector

5.—(1) The Secretary of State shall, subject to paragraph (2), notify the name of the inspector to every person entitled to appear at the inquiry.

(2) Where the Secretary of State appoints another inspector instead of the person previously appointed and it is not practicable to notify the new appointment before the inquiry is held, the inspector holding the inquiry shall, at its commencement, announce his name and the fact of his appointment.

Pre-inquiry meeting

6.—(1) An inspector may hold a pre-inquiry meeting if he thinks it desirable.

(2) The inspector shall arrange for not less than 2 weeks written notice of a meeting he proposes to hold under paragraph (1) to be given to the local planning authority, the appellant, any person known at the date of the notice to be entitled to appear at the inquiry and any other person whose presence at the meeting appears to him to be desirable.

(3) The inspector shall preside at the meeting and shall determine the matters to be discussed and the procedure to be followed, and he may require any person present at the meeting who, in his opinion, is behaving in a disruptive manner, to leave and may refuse to permit that person to return to or attend any further meeting, or may permit him to return or attend only on such conditions as he may specify.

Statement of relevant matters

7. In the case of a non-transferred appeal, the Secretary of State may, and in the case of a transferred appeal, the inspector may, before an inquiry is held for the purpose of the appeal, serve on the local planning authority, the appellant, any person required to serve a statement of case pursuant to rule 8(4) and, in the case of an enforcement appeal, any person on whom a copy of the enforcement notice has been served, a statement of the matters about which he particularly wishes to be informed for the purposes of his consideration of the appeal.

Service of statements of case etc

8.—(1) The local planning authority shall—

- (a) where the date fixed for the holding of the inquiry is less than 18 weeks after the relevant date, at least 6 weeks before the date fixed for the holding of the inquiry; or
- (b) in any other case, not later than 12 weeks after the relevant date,

serve a statement of case on the Secretary of State, the appellant and, in the case of an enforcement appeal, any person on whom a copy of the enforcement notice has been served.

(2) The appellant shall—

- (a) where the date fixed for the holding of the inquiry is less than 18 weeks after the relevant date, at least 3 weeks before the date fixed for the holding of the inquiry; or

(b) in any other case, not later than 15 weeks after the relevant date, serve a statement of case on the Secretary of State, the local planning authority and, in the case of an enforcement appeal, any person on whom a copy of the enforcement notice has been served.

(3) The local planning authority and the appellant may each require the other to send to them a copy of any document, or of the relevant part of any document, referred to in the list of documents comprised in that party's statement of case; and any such document, or relevant part, shall be sent as soon as practicable to the party who required it.

(4) The Secretary of State may in writing require any other person who has notified him of an intention or a wish to appear at an inquiry to serve a statement of case, within such period as he may specify, on him, the local planning authority, the appellant and, in the case of an enforcement appeal, on any person on whom a copy of the enforcement notice has been served.

(5) The Secretary of State shall supply any person from whom he requires a statement of case in accordance with paragraph (4) with a copy of the local planning authority's and the appellant's statement of case and shall inform that person of the name and address of every person on whom his statement of case is required to be served.

(6) The Secretary of State or an inspector may require any person who has served a statement of case in accordance with this rule to provide such further information about the matters contained in the statement as he may specify; and a person so required shall provide the Secretary of State or, as the case may be, the inspector, with that information in writing and shall, at the same time, send a copy of that information to any other person on whom the statement of case has been served.

(7) Any person other than the appellant who serves a statement of case on the local planning authority shall serve with it a copy of any document, or of the relevant part of any document, referred to in the list comprised in that statement unless a copy of the document or part of the document in question, is already available for inspection pursuant to paragraph (8).

(8) The local planning authority shall afford to any person who so requests a reasonable opportunity to inspect and, where practicable, take copies of—

- (a) any statement of case or other document which, or a copy of which, has been served on them in accordance with this rule; and
- (b) the authority's statement of case, together with a copy of any document, or of the relevant part of any document, referred to in the list comprised in that statement or otherwise served by them pursuant to this rule,

and the authority shall specify in the statement served in accordance with paragraph (1) the time and place at which the opportunity will be afforded.

Inquiry time-table

9.—(1) An inspector may arrange a time-table for the proceedings at, or at part of, an inquiry and may at any time vary the time-table.

(2) An inspector may specify in a time-table arranged pursuant to this rule a date by which any proof of evidence and summary required by rule 14(1) to be sent to him shall be so sent.

Notification of appointment of assessor

10. Where the Secretary of State appoints an assessor he shall notify every person entitled to appear at the inquiry of the name of the assessor and of the matters on which he is to advise the inspector.

Date and notification of inquiry

11.—(1) The date fixed by the Secretary of State for the holding of an inquiry shall be, unless he considers such a date impracticable, not later than 24 weeks after the relevant date.

(2) Where the Secretary of State considers it impracticable to fix a date in accordance with paragraph (1), the date fixed shall be the earliest date after the end of the relevant period mentioned in that paragraph which he considers to be practicable.

(3) Unless the Secretary of State agrees a lesser period of notice with the appellant and the local planning authority, he shall give not less than 4 weeks written notice of the date, time and place fixed by him for the holding of an inquiry to every person entitled to appear at the inquiry.

(4) The Secretary of State may vary the date fixed for the holding of an inquiry, whether or not the date as varied is within the relevant period mentioned in paragraph (1); and paragraph (3) shall apply to a variation of a date as it applied to the date originally fixed.

(5) The Secretary of State may vary the time or place for the holding of an inquiry and shall give such notice of any such variation as appears to him to be reasonable.

(6) The Secretary of State may require the local planning authority to take one or more of the following steps—

- (a) not less than 2 weeks before the date fixed for the holding of an inquiry, to publish a notice of the inquiry in one or more newspapers circulating in the locality in which the land is situated;
- (b) to serve a notice of the inquiry on such persons or classes of persons as he may specify, within such period as he may specify;
- (c) to post a notice of the inquiry in a conspicuous place near to the land, within such period as he may specify.

(7) Where the land is under the control of the appellant he shall, if so required by the Secretary of State, affix a notice of the inquiry firmly to the land or to some object on or near the land, in such manner as to be readily visible to and legible by members of the public; and he shall not remove the notice, or cause or permit it to be removed, for such period before the inquiry as the Secretary of State may specify.

(8) Every notice published, served or posted pursuant to paragraph (6), or affixed pursuant to paragraph (7), shall contain—

- (a) a clear statement of the date, time and place of the inquiry and of the powers enabling the Secretary of State or inspector to determine the appeal in question;
- (b) a written description of the land sufficient to identify approximately its location; and
- (c) a brief description of the subject matter of the appeal.

Appearances at inquiry

12.—(1) The persons entitled to appear at an inquiry are—

- (a) the appellant;
- (b) the local planning authority;
- (c) any of the following bodies if the land is situated in their area and they are not the local planning authority—
 - (i) a county or district council;
 - (ii) a National Park Committee within the meaning of paragraph 5 of Schedule 17 to the Local Government Act 1972(7);

- (iii) a joint planning board constituted under section 2(1) of the Planning Act or a joint planning board or special planning board reconstituted under Part I of Schedule 17 to the Local Government Act 1972;
 - (iv) an urban development corporation established under section 135 of the Local Government, Planning and Land Act 1980⁽⁸⁾;
 - (v) an enterprise zone authority designated under Schedule 32 to the Local Government, Planning and Land Act 1980;
 - (vi) the Broads Authority, within the meaning of the Norfolk and Suffolk Broads Act 1988⁽⁹⁾;
 - (vii) a housing action trust specified in an order made under section 67(1)⁽¹⁰⁾
 - (d) where the land is in an area designated as a new town, the development corporation for the new town or the Commission for the New Towns as its successor;
 - (e) in the case of an enforcement appeal, any person on whom a copy of the enforcement notice has been served;
 - (f) in the case of an appeal under section 195 of the Planning Act, any person having an interest in the land;
 - (g) where the inquiry relates to an enforcement notice under section 38 of the Listed Buildings Act concerning a building in Greater London and it is not otherwise entitled to appear, the Historic Buildings and Monuments Commission for England;
 - (h) any other person who has served a statement of case in accordance with rule 8(4).
- (2) Nothing in paragraph (1) shall prevent the inspector from permitting any other person to appear at an inquiry, and such permission shall not be unreasonably withheld.
- (3) Any person entitled or permitted to appear may do so on his own behalf or be represented by counsel, solicitor or any other person.

Representatives of government departments at inquiry

13.—(1) Where the Secretary of State or any other Minister of the Crown or any government department has expressed in writing to the local planning authority a view on an appeal and the authority refer to that view in a statement prepared pursuant to rule 8(1), the appellant may, not later than 2 weeks before the date of an inquiry, apply in writing to the Secretary of State for a representative of the Secretary of State or of the other Minister or department concerned to be made available at the inquiry.

(2) Where an application is made in accordance with paragraph (1), the Secretary of State shall make a representative available to attend the inquiry or, as the case may be, transmit the application to the other Minister or department concerned, who shall make a representative available to attend the inquiry.

(3) A person attending an inquiry as a representative in pursuance of this rule shall state the reasons for the expressed view and shall give evidence and be subject to cross-examination to the same extent as any other witness.

(4) Nothing in paragraph (3) shall require a representative of a Minister or government department to answer any question which, in the opinion of the inspector, is directed to the merits of government policy.

⁽⁸⁾ 1980 c. 65.

⁽⁹⁾ 1988 c. 4.

⁽¹⁰⁾ 1988 c. 50.

Proofs of evidence

14.—(1) Where a person entitled to appear at an inquiry held for the purpose of an appeal under section 174 of the Planning Act proposes to give, or to call another person to give, evidence at the inquiry by reading a proof of evidence relating, in whole or in part, to the deemed application for planning permission under section 177(5) of that Act, he shall send a copy of the proof to the inspector together with, subject to paragraph (2), a written summary.

(2) No written summary shall be required where the proof of evidence proposed to be read contains no more than 1,500 words.

(3) The proof and any summary shall be sent to the inspector no later than—

- (a) 3 weeks before the date fixed for the holding of the inquiry; or
- (b) where a time-table has been arranged pursuant to rule 9 which specifies a date by which the proof and any summary shall be sent to the inspector, that date.

(4) Where the appellant or the local planning authority send a copy of a proof to an inspector in accordance with paragraph (1), with or without a summary, they shall at the same time send a copy of that proof and any summary to the other party and to any other person on whom a copy of the enforcement notice has been served; and where any other party so sends a copy of such documents he shall at the same time send a copy to the appellant and the local planning authority and to any other person on whom a copy of the enforcement notice has been served.

(5) Where a written summary is provided in accordance with paragraph (1), only that summary shall be read at the inquiry, unless the inspector permits or requires otherwise.

(6) Any person required by this rule to send a copy of a proof to any other person shall send with it a copy of the whole, or the relevant part, of any documents referred to in it, unless a copy of the document or part of the document in question is already available for inspection pursuant to rule 8(8).

(7) The local planning authority shall afford to any person who so requests a reasonable opportunity to inspect and, where practicable, take copies of any document sent to or by them in accordance with this rule.

Procedure at inquiry

15.—(1) Except as otherwise provided in these Rules, the inspector shall determine the procedure at an inquiry.

(2) Unless in any particular case the inspector with the consent of the appellant otherwise determines, the appellant shall begin and shall have the right of final reply; and the other persons entitled or permitted to appear shall be heard in such order as the inspector may determine.

(3) A person entitled to appear at an inquiry shall be entitled to call evidence and the local planning authority and the appellant shall be entitled to cross-examine persons giving evidence but, subject to the foregoing and paragraphs (4) and (5), the calling of evidence and the cross-examination of persons giving evidence shall otherwise be at the inspector's discretion

(4) The inspector may refuse to permit—

- (a) the giving or production of evidence,
- (b) the cross-examination of persons giving evidence, or
- (c) the presentation of any other matter,

which he considers to be irrelevant or repetitive, but where he refuses to permit the giving of oral evidence, the person wishing to give the evidence may submit to him any evidence or other matter in writing before the close of the inquiry.

(5) Where a person gives evidence at an enquiry by reading a summary of his evidence in accordance with rule 14(5), the proof of evidence referred to in rule 14(1) shall, unless the person

required to provide the summary notifies the inspector that he now wishes to rely on the contents of that summary only, be treated as tendered in evidence, and the person whose evidence the proof contains shall then be subject to cross-examination on it to the same extent as if it were evidence he had given orally.

(6) The inspector may direct that facilities shall be afforded to any person appearing at an inquiry to take or obtain copies of documentary evidence open to public inspection.

(7) The inspector may require any person appearing or present at an inquiry who, in his opinion, is behaving in disruptive manner to leave and may refuse to permit that person to return, or may permit him to return only on such conditions as he may specify; but any such person may submit to him any evidence or other matter in writing before the close of the inquiry.

(8) The inspector may allow any person to alter or add to a statement of case served under rule 8 so far as may be necessary for the purposes of the inquiry; but he shall (if necessary by adjourning the inquiry) give every other person entitled to appear who is appearing at the inquiry an adequate opportunity of considering any fresh matter of document.

(9) The inspector may proceed with an inquiry in the absence of any person entitled to appear at it.

(10) The inspector may take into account any written representation or evidence or any other document received by him from any person before an inquiry opens or during the inquiry provided that he discloses it at the inquiry.

(11) The inspector may from time to time adjourn an inquiry and, if the date, time and place of the adjourned inquiry are announced at the inquiry before the adjournment, no further notice shall be required..

Site inspections

16.—(1) The inspector may make an unaccompanied inspection of the land before or during an inquiry without giving notice of his intention to the persons entitled to appear at the inquiry.

(2) The inspector may, during an inquiry or after its close, inspect the land in the company of the local planning authority, the appellant and, in the case of an enforcement appeal, any person on whom a copy of the enforcement notice was served; and he shall make such an inspection if so required by the local planning authority or the appellant before or during an inquiry.

(3) In all cases where the inspector intends to make an inspection of the kind referred to in paragraph (2) he shall announce during the inquiry the date and time at which he proposes to make it.

(4) The inspector shall not be bound to defer an inspection of the kind referred to in paragraph (2) where any person mentioned in that paragraph is not present at the time appointed.

Procedure after inquiry—non-transferred appeals

17.—(1) This rule applies where an inquiry has been held for the purposes of non-transferred appeal.

(2) After the close of the inquiry, the inspector shall make a report in writing to the Secretary of State, which shall include his findings of facts, his conclusions and his recommendations or his reasons for not making any recommendations.

(3) Where an assessor has been appointed, he may, after the close of the inquiry, make a report in writing to the inspector in respect of the matters on which he was appointed to advise.

(4) Where an assessor makes a report in accordance with paragraph (3), the inspector shall append it to his own report and shall state in his own report how far he agrees or disagrees with the assessor's report and, where he disagrees with the assessor, his reasons for that disagreement.

(5) If, after the close of the inquiry, the Secretary of State—

- (a) differs from the inspector on any matter of fact mentioned in, or appearing to him to be material to, a conclusion reached by the inspector, or
- (b) takes into consideration any new evidence or new matter of fact (not being a matter of government policy),

and is for that reason disposed to disagree with a recommendation made by the inspector, he shall not come to a decision which is at variance with that recommendation without first notifying the persons entitled to appear at the inquiry who appeared at it of his disagreement and the reasons for it, and affording to them an opportunity of making written representations to him within 3 weeks of the date of the notification, or (if the Secretary of State has taken into consideration any new evidence or new matter of fact, not being a matter of government policy) of asking within that period for the re-opening of the inquiry.

(6) The Secretary of State may, as he thinks fit, cause an inquiry to be re-opened, and he shall do so if asked by the local planning authority or the appellant in the circumstances and within the period mentioned in paragraph (5); and where an inquiry is re-opened (whether by the same or a different inspector)—

- (a) the Secretary of State shall send to the persons entitled to appear at the inquiry who appeared at it a written statement of the matters with respect to which further evidence is invited; and
- (b) paragraphs (3) to (8) of rule 11 shall apply as if the references to an inquiry were references to a re-opened inquiry.

Procedure after inquiry—transferred appeals

18.—(1) This rule applies where an inquiry has been held for the purposes of a transferred appeal.

(2) Where an assessor has been appointed, he may, after the close of the inquiry, make a report in writing to the inspector in respect of the matters on which he was appointed to advise, and where he does so the inspector shall state in his notification of his decision pursuant to rule 20 that such a report was made.

(3) If, after the close of the inquiry, an inspector proposes to take into consideration any new evidence or any new matter of fact (not being a matter of government policy) which was not raised in the inquiry and which he considers to be material to his decision, he shall not come to a decision without first—

- (a) notifying the persons entitled to appear at the inquiry who appeared at it of the matter in question; and
- (b) affording to them an opportunity of making written representations to him with respect to it within 3 weeks of the date of the notification or of asking within that period for the re-opening of the inquiry.

(4) An inspector may, as he thinks fit, cause an inquiry to be re-opened, and he shall do so if asked by the local planning authority or the appellant in the circumstances and within the period mentioned in paragraph (3); and where an inquiry is re-opened—

- (a) the inspector shall send to the persons entitled to appear at the inquiry who appeared at it a written statement of the matters with respect to which further evidence is invited; and
- (b) paragraphs (3) to (8) of rule 11 shall apply as if the references to an inquiry were references to a re-opened inquiry.

Notification of decision—non-transferred appeals

19.—(1) This rule applies where an inquiry has been held for the purposes of a non-transferred appeal.

(2) The Secretary of State shall notify his decision on the appeal, and his reasons for it, in writing to all persons entitled to appear at the inquiry who did appear, and to any other person who, having appeared at the inquiry, has asked to be notified of the decision.

(3) Where a copy of the inspector's report is not sent with the notification of the decision, the notification shall be accompanied by a statement of his findings of fact, his conclusions and of any recommendations made by him; and if a person entitled to be notified of the decision has not received a copy of that report, he shall be supplied with a copy of it on written application made to the Secretary of State within 4 weeks of the date of the decision.

(4) In this rule "report" includes any assessor's report appended to the inspector's report but does not include any other documents so appended; but any person who has received a copy of the report may apply to the Secretary of State in writing, within 6 weeks of the date of the Secretary of State's decision, for an opportunity of inspecting any such documents and the Secretary of State shall afford him that opportunity.

Notification of decision—transferred appeals

20.—(1) This rule applies where an inquiry has been held for the purposes of a transferred appeal.

(2) The inspector shall notify his decision on the appeal, and his reasons for it, in writing to all persons entitled to appear at the inquiry who did appear, and to any other person who, having appeared at the inquiry, has asked to be notified of the decision.

(3) Any person entitled to be notified of the inspector's decision under paragraph (2) may apply to the Secretary of State in writing, within 6 weeks of the date of the decision, for an opportunity of inspecting any documents listed in the notification and any report made by an assessor and the Secretary of State shall afford him that opportunity.

Procedure following remitting of appeal

21. Where a decision of the Secretary of State or an inspector on an appeal in respect of which an inquiry has been held is remitted by any court for rehearing and determination, the Secretary of State—

- (a) shall send to the persons entitled to appear at the inquiry who appeared at it a written statement of the matters with respect to which further representations are invited for the purpose of the further consideration of the appeal;
- (b) shall afford to those persons the opportunity of making, within 3 weeks of the date or of asking for the re-opening of the inquiry; and
- (c) may, as he thinks fit, cause the inquiry to be re-opened, and if he does so paragraphs (3) to (8) of rule 11 shall apply as if the references to an inquiry were references to a re-opened inquiry.

Allowing further time

22. The Secretary of State may at any time in any particular case allow further time for the taking of any step which is required or enabled to be taken by virtue of these Rules, and references in these Rules to a day by which, or period within which, any step is required or enabled to be taken shall be construed accordingly.

Inspector acting in place of Secretary of State—transferred appeals

23. In the case of a transferred appeal, an inspector may in place of the Secretary of State take such steps as the Secretary of State is required or enabled to take under or by virtue of rule 8(4) and (5), rule 11, rule 13 and rule 22.

Service of notices by post

24. Notices or documents required or authorised to be served or sent under these Rules may be sent by post.

Revocations and savings

25.—(1) Subject to paragraph (2), the Town and Country Planning (Enforcement) (Inquiries Procedure) Rules 1981(**11**) (“the 1981 Rules”) and rule 2(3) of, and Schedule 3 to, the Town and Country Planning (Various Inquiries) (Procedure) (Amendment) Rules 1986 (**12**) are hereby revoked.

(2) Subject to paragraph (3), the 1981 Rules shall continue to apply to any local inquiry held for the purposes of—

- (a) an enforcement appeal made before 1st September 1992;
- (b) an application or appeal to which section 196(1) of the Planning Act, as originally enacted, refers (established use certificates).

(3) In the application of the 1981 Rules by virtue of paragraph (2)—

- (a) the reference to rule 2(1)(d) in rule 3, 6(1)(b) and 6(4) of the 1981 Rules shall be treated as a reference to rule 2(1)(e) of those Rules; and
- (b) the reference to rule 2(1)(a), (b) or (c) in rule 6(1)(a) of the 1981 Rules shall be treated as including a reference to rule 2(1)(d) of those Rules.

29th July 1992

Mackay of Clashfern, C.

(11) S.I. 1981/1743.

(12) S.I. 1986/420.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules set out the procedure to be followed in connection with local inquiries held for the purposes of—

- (a) appeals against enforcement notices under section 174 of the Town and Country Planning Act 1990;
- (b) appeals against the refusal or non-determination of an application for a certificate of lawful use or development under section 195 of that Act;
- (c) appeals against listed building enforcement notices and conservation area enforcement notices under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The Rules apply both in the case of appeals which are being determined by the Secretary of State and appeals which are being determined by a person appointed by the Secretary of State.

These Rules replace the Town and Country Planning (Enforcement) (Inquiries Procedure) Rules 1981. The 1981 Rules are, therefore, revoked, although they will continue to apply, with minor drafting corrections, to inquiries held for the purpose