

SCHEDULES

SCHEDULE 11

PLANNING : MINOR AND CONSEQUENTIAL AMENDMENTS

PART II

SCOTLAND

Orders as to expenses of parties where no local inquiry held

- 40 (1) After the said section 267 of the Town and Country Planning (Scotland) Act 1972 insert—

“267A Orders as to expenses of parties where no local inquiry held.

- (1) The Secretary of State has the same power to make orders under section 267(7) above in relation to proceedings to which this section applies which do not give rise to a local inquiry as he has in relation to a local inquiry.
- (2) This section applies to proceedings under this Act where the Secretary of State is required, before reaching a decision, to afford any person an opportunity of appearing before and being heard by a person appointed by him.”.
- (2) In Schedule 7 to the Town and Country Planning (Scotland) Act 1972 (determination of certain appeals by person appointed by the Secretary of State), in paragraph 5 (local inquires and hearings)—
 - (a) in sub-paragraph (3) after the word " shall" insert " subject to sub-paragraph (4) below ".
 - (b) after sub-paragraph (3) insert—
 - “(4) The person appointed to determine the appeal has the same power to make orders under section 267(7) of this Act in relation to proceedings under this Schedule which do not give rise to an inquiry as he has in relation to such an inquiry.
 - (5) For the purposes of this paragraph, references to the Minister in subsections (7) and (8) of section 267 shall be read as references to the person appointed by the Secretary of State to determine the appeal.”.