



Housing and Planning Act 1986

1986 CHAPTER 63

PART VI

MISCELLANEOUS PROVISIONS

England and Wales

42 Recovery of Minister's costs in connection with inquiries.

- (1) The following provisions of this section apply where a Minister is authorised under or by virtue of any of the following statutory provisions to recover costs incurred by him in relation to an inquiry—
- (a) section 250(4) of the ^{M1}Local Government Act 1972 (general provision as to costs of inquiries),
 - ^{F1}(b)
 - (c) section 129(1)(d) of the ^{M2}Road Traffic Regulation Act 1984 (costs of inquiry under that Act),
 - (d) ^{F2}
 - (e) any other statutory provision to which this section is applied by order of the Minister.
- (2) What may be recovered by the Minister is the entire administrative cost of the inquiry, so that, in particular—
- (a) there shall be treated as costs incurred in relation to the inquiry such reasonable sum as the Minister may determine in respect of the general staff costs and overheads of his department, and
 - (b) there shall be treated as costs incurred by the Minister holding the inquiry any costs incurred in relation to the inquiry by any other Minister or government department and, where appropriate, such reasonable sum as that Minister or department may determine in respect of general staff costs and overheads.

*Changes to legislation: There are currently no known outstanding effects for the
Housing and Planning Act 1986, Section 42. (See end of Document for details)*

- (3) The cost of an inquiry which does not take place may be recovered by the Minister from any person who would have been a party to the inquiry to the same extent, and in the same way, as the cost of an inquiry which does take place.
- (4) The Minister may by regulations prescribe for any description of inquiry a standard daily amount and where an inquiry of that description does take place what may be recovered is—
- (a) the prescribed standard amount in respect of each day (or an appropriate proportion of that amount in respect of a part of a day) on which the inquiry sits or the person appointed to hold the inquiry is otherwise engaged on work connected with the inquiry,
 - (b) costs actually incurred in connection with the inquiry on travelling or subsistence allowances or the provision of accommodation or other facilities for the inquiry,
 - (c) any costs attributable to the appointment of an assessor to assist the person appointed to hold the inquiry, and
 - (d) any legal costs or disbursements incurred or made by or on behalf of the Minister in connection with the inquiry.
- (5) An order or regulations under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) An order applying this section to a statutory provision may provide for the consequential repeal of so much of that provision, or any other provision, as restricts the sum recoverable by the Minister in respect of the services of any officer engaged in the inquiry or is otherwise inconsistent with the application of the provisions of this section.

Textual Amendments

- F1** S. 42(1)(b) repealed (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), ss. 3(1), 4(2), **Sch. 3 Pt. I**.
- F2** S. 42(1)(d) repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 194(4), **Sch. 12 Pt. II**

Modifications etc. (not altering text)

- C1** S. 42 extended (1.12.1991) by [Water Resources Act 1991 \(c. 57, SIF 130\)](#), ss. 214(7), 225(2).
- C2** S. 42 applied (1.12.1991) by [Land Drainage Act 1991 \(c. 59, SIF 73:1\)](#), ss. 69(7), 76(2).
S. 42: functions shall be exercisable by the Assembly concurrently with any Minister of the Crown (16.2.2000) by [S.I. 2000/253](#), art. 2, **Sch. 1**
- C3** S. 42 applied by 1990 c. 8, s. 322(1D) (as inserted (1.10.2013) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), ss. 2(2), 35(1); [S.I. 2013/2143](#), art. 2(b))
- C4** S. 42 applied by 1990 c. 8, s. 322A(5) (as inserted (1.10.2013) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), ss. 2(3), 35(1); [S.I. 2013/2143](#), art. 2(b))
- C5** S. 42(2) applied by 1981 c. 67, s. 13B(6) (as inserted (6.8.2004 for specified purposes, 31.10.2004 in so far as not already in force) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), s. 100(6) (with s. 100(8)); [S.I. 2004/2097](#), art. 2; [S.I. 2004/2593](#), art. 2(a))

Marginal Citations

- M1** 1972 c. 70.
- M2** 1984 c. 27.

Changes to legislation:

There are currently no known outstanding effects for the Housing and Planning Act 1986, Section 42.