

Changes to legislation: There are currently no known outstanding effects for the Planning and Compensation Act 1991, Cross Heading: Reference of applications to Secretary of State. (See end of Document for details)

SCHEDULES

SCHEDULE 2

REGISTRATION OF OLD MINING PERMISSIONS

Modifications etc. (not altering text)

- C1** [Sch. 2](#) applied (with modifications) (7.6.2006) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), [s. 87\(2\)\(b\)](#) (with [s. 111](#)); [S.I. 2006/1281](#), [art. 2\(a\)](#)

Reference of applications to Secretary of State

- 7 (1) The Secretary of State may give directions requiring applications under this Schedule to any mineral planning authority to be referred to him for determination instead of being dealt with by the authority.
- (2) The direction may relate either to a particular application or to applications of a class specified in the direction.
- (3) Where an application is referred to him under this paragraph—
- (a) subject to paragraph (b) and sub-paragraph (4) below, the following provisions of this Schedule—
 - (i) paragraph 1(1) to (4),
 - (ii) paragraph 2(1) to (6)(a), (7) and (8),
 - (iii) paragraphs 3 and 4, and
 - (iv) paragraphs 8 to 10,shall apply, with any necessary modifications, as they apply to applications which fall to be determined by the mineral planning authority,
 - (b) before determining the application the Secretary of State must, if either the applicant or the mineral planning authority so wish, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose, and
 - (c) the decision of the Secretary of State on the application shall be final.
- (4) Where an application under paragraph 1 above is so referred to him, paragraph 2(5) above shall apply as if for paragraphs (a) and (b) there were substituted “the date on which the application for registration is finally determined”.

Commencement Information

- II** [Sch. 2 para. 7](#) wholly in force at 25.9.1991, see [s. 84\(2\)\(3\)](#) and [S.I. 1991/2067](#), [art. 3](#)

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