Planning Act 2008

2008 CHAPTER 29

PART 1

[F1 INFRASTRUCTURE PLANNING: FEES]

Textual Amendments

F1 Words in Pt. 1 heading substituted (15.1.2012 for specified purposes, 1.4.2012 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(2), Sch. 13 para. 3(5); S.I. 2012/57, art. 2(a); S.I. 2012/628, art. 7(a)

F2 The Infrastructure Planning Commission

Textual Amendments

F2 Ss. 1-3 repealed (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 13 para. 2, Sch. 25 Pt. 20; S.I. 2012/628, art. 7

F2 Code of conduct

Textual Amendments

F2 Ss. 1-3 repealed (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 13 para. 2, Sch. 25 Pt. 20; S.I. 2012/628, art. 7
F3 Register of Commissioners' interests

Textual Amendments
F2 Ss. 1-3 repealed (1.4.2012) by Localism Act 2011 (c. 20), s. 13 para. 2, Sch. 25 Pt. 20; S.I. 2012/628, art. 7

4 Fees

(1) The Secretary of State may make regulations providing for the charging of fees by the Secretary of State in connection with the performance of any of the Secretary of State's major-infrastructure functions.

(2) Regulations under subsection (1) may in particular make provision—
   (a) about when a fee (including a supplementary fee) may, and may not, be charged;
   (b) about the amount which may be charged;
   (c) about what may, and may not, be taken into account in calculating the amount charged;
   (d) about who is liable to pay a fee charged;
   (e) about when a fee charged is payable;
   (f) about the recovery of fees charged;
   (g) about waiver, reduction or repayment of fees;
   (h) about the effect of paying or failing to pay fees charged;
   (i) for the supply of information for any purpose of the regulations.

(3) The regulations may provide for the amounts of fees to be calculated by reference to costs incurred by the Secretary of State—
   (a) in the performance of any of the Secretary of State's major-infrastructure functions,
   (b) in doing anything which is calculated to facilitate, or is conducive or incidental to, the performance of any of the Secretary of State's major-infrastructure functions.

(4) In this section “the Secretary of State's major-infrastructure functions” means—
   (a) the Secretary of State's functions under Parts 2 to 8 and under Part 12 so far as applying for the purposes of those Parts,
   (b) the giving of advice to which section 51 applies, and
   (c) the Secretary of State's functions, in relation to proposed applications for orders granting development consent, under statutory provisions implementing—
      (i) Council Directive 85/337/EC on the assessment of the effects of certain public and private projects on the environment, as amended from time to time, or
      (ii) provisions of an EU instrument which from time to time replace provisions of that Directive.

(5) In subsection (4)(c) “statutory provision” means a provision of an Act or of an instrument made under an Act.
Textual Amendments

F3 Words in s. 4(1) substituted (15.1.2012 for specified purposes, 1.4.2012 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(2), Sch. 13 para. 3(2); S.I. 2012/57, art. 2(a); S.I. 2012/628, art. 7(a)

F4 Words in s. 4(3) substituted (15.1.2012 for specified purposes, 1.4.2012 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(2), Sch. 13 para. 3(3)(a); S.I. 2012/57, art. 2(a); S.I. 2012/628, art. 7(a)

F5 Words in s. 4(3) substituted (15.1.2012 for specified purposes, 1.4.2012 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(2), Sch. 13 para. 3(3)(b); S.I. 2012/57, art. 2(a); S.I. 2012/628, art. 7(a)

F6 S. 4(4)(5) inserted (15.1.2012 for specified purposes, 1.4.2012 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(2), Sch. 13 para. 3(4); S.I. 2012/57, art. 2(a); S.I. 2012/628, art. 7(a)

Commencement Information

I1 S. 4 in force at 1.10.2009 in so far as not already in force by S.I. 2009/2260, art. 2(a)
Changes to legislation:
There are currently no known outstanding effects for the Planning Act 2008, Part 1.