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STATUTORY INSTRUMENTS

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**1987 No. 304 (C.7)**

**TOWN AND COUNTRY PLANNING, ENGLAND AND WALES**

**The Housing and Planning Act 1986 (Commencement No. 3) Order 1987**

*Made - - - - 26th February 1987*

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by section 57(2) of the Housing and Planning Act 1986(a) and of all other powers enabling them in that behalf hereby make the following Order:

1. This Order may be cited as the Housing and Planning Act 1986 (Commencement No. 3) Order 1987.

2. Section 49 of the Housing and Planning Act 1986 insofar as it relates to paragraph 8 of Schedule 11 to that Act shall come into force on 2nd March 1987.

**Transitional provision**

3. Subsections (2) to (5) of section 250 of the Local Government Act 1972(b) shall continue to apply to any inquiry held under paragraph 5 of Schedule 9 to the Town and Country Planning Act 1971(c) which began before 2nd March 1987 as those provisions applied immediately before that date.

**Revocation**

4. The Housing and Planning Act 1986 (Commencement No. 2) Order 1987(d) is hereby revoked.

26th February 1987

*Nicholas Ridley*  
Secretary of State for the Environment

25th February 1987

*Nicholas Edwards*  
Secretary of State for Wales

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(a) 1986 c.63.

(b) 1972 c.70.

(c) 1971 c.78.

(d) S.I. 1987/178.

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order revokes and replaces S.I. 1987/178 which was made on 10th February 1987.

This Order brings into operation on 2nd March 1987 paragraph 8 of Schedule 11 to the Housing and Planning Act 1986.

Paragraph 8(1) substitutes a new subsection (2) in section 282 of the Town and Country Planning Act 1971. This is a minor drafting improvement which makes no change of substance.

Paragraph 8(2) substitutes a new paragraph 5(3) of Schedule 9 to the Town and Country Planning Act 1971 (determination of appeals by appointed person) applying section 250(2) to (5) of the Local Government Act 1972 (local inquiries: evidence and costs) to an inquiry held under paragraph 5 of Schedule 9. At present only the Secretary of State is entitled under paragraph 5(3) to make orders as to the costs of the parties at an inquiry and as to the parties by whom the costs are to be paid. The substituted paragraph entitles a person appointed by the Secretary of State to hold an inquiry to make such orders as well.

## **NOTE AS TO EARLIER COMMENCEMENT ORDERS**

*(This note is not part of the Order)*

An earlier commencement order (S.I. 1986/2262) brought into force on 7th January 1987 sections 1 to 4, 10 to 14, 16, 17, 19, 20, 22, 23, 24 (partially), 27 to 29, 44 to 48, 49 (partially), 53 (partially), 54 and 55, and paragraphs 1 to 7, 14, 15, 17, 21 to 26, 28, 30, 32, 33, 39, 41 and 42 of Schedule 5, paragraphs 1 to 7, 10 to 14, 16 to 18, 20 to 22, 24 and 25, 28 to 38, 41 to 56 and 59 to 62 of Schedule 11 and certain repeals effected by Schedule 12.

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