

**1988 No. 1787 (C.62)**

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

**The Housing and Planning Act 1986 (Commencement  
No. 12) Order 1988**

*Made - - - - 14th October 1988*

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. 12) Order 1988.

2. Subject to article 3 of this Order, the following provisions of the Housing and Planning Act 1986 shall come into force on 17th November 1988 ("the commencement date")—

section 42 (recovery of Minister's costs in connection with inquiries),  
section 49(2) (miscellaneous repeals) in so far as it effects the repeals specified in the Schedule to this order.

3. Article 2 does not apply—

- (a) where the inquiry was opened before the commencement date; or
- (b) where the inquiry does not take place and the principal parties were, before the commencement date, notified of a date for the opening of the inquiry.

11th October 1988

*Nicholas Ridley*  
Secretary of State for the Environment

14th October 1988

*Peter Walker*  
Secretary of State for Wales

---

(a) 1986 c.63.

## ENACTMENTS REPEALED

<i>Chapter</i>	<i>Short Title</i>	<i>Extent of repeal</i>
1968 c.14	Public Expenditure and Receipts Act 1968	In Schedule 3, in paragraph 6, the entry relating to section 290(4) of the Local Government Act 1933.
1972 c.70	Local Government Act 1972	In section 250(4), the words from “(including” to “in the inquiry”.
1976 c.70	Land Drainage Act 1976	In section 96(5), the words from “(including” to “in the inquiry”.
1984 c.27	Road Traffic Regulation Act 1984	In section 129(1)(d), the words “(including” to “in the inquiry”.

## EXPLANATORY NOTE

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

This Order brings into force on 17th November 1988 section 42 of the Housing and Planning Act 1986 (together with consequential repeals). This section relates to a Minister's costs in connection with statutory inquiries under—

- (a) section 250(4) of the Local Government Act 1972 (general provisions as to costs of inquiries),
- (b) section 96(5) of the Land Drainage Act 1976 (cost of inquiry under that Act),
- (c) section 129(1)(d) of the Road Traffic Regulation Act 1984 (costs of inquiry under that Act),
- (d) paragraph 9(2) of Schedule 22 to the Housing Act 1985 (c.68) (costs of inquiry in connection with acquisition of land for clearance),
- (e) any other statutory provision to which the section is applied by order of the Minister.

Section 42 enables the Minister to recover the entire administrative cost of an inquiry (including one which does not in the event take place) and specifies the basis on which such costs may be recovered. It also enables the Minister to make regulations prescribing a standard daily amount chargeable for each day on which the inquiry sits or the person appointed to hold it is otherwise engaged on related work (see the Fees for Inquiries (Standard Daily Amount) Regulations 1988 (S.I. 1988/1788)).

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

The following provisions of the Housing and Planning Act 1986 have been brought into force by commencement orders made before the date of this Order—

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
sections 1 to 4 sections 10 to 14 sections 16 and 17 sections 19 and 20 sections 22 and 23 section 24 (partially) Part III (ss.27 to 29) Part VI (except for ss. 40 to 43, 50 to 52 and parts of 49 and 53)	7th January 1987	1986/2262
section 49 (partially)	2nd March 1987	1987/304
section 40	1st April 1987	1987/348
section 49(2) (partially)		
section 9	13th May 1987	1987/754
section 24(1) (partially)	22nd September 1987	1987/1554
section 25, 50 and 51	1st October 1987	1987/1607
section 25	2nd November 1987	1987/1759
section 41		
section 49(1) (partially)		
section 49(2) (partially)		
section 18 (partially)	11th December 1987	1987/1939
section 24 (partially)		
Part V		
section 15	17th February 1988	1987/2277
section 24(1) (partially)		
section 6	11th March 1988	1988/283