
EXPLANATORY NOTE

(This note is not part of the Order)

This Order appoints 2nd January 1992 as the day on which paragraphs 3 to 16 of the Planning (Consequential Provisions) Act 1990 partially cease to have effect, so that on that day section 322 of the Town and Country Planning Act 1990 (c. 8) (orders as to costs of parties where no local inquiry held) and paragraph 6 of Schedule 6 to that Act come partially into force. The latter provision gives inspectors the same power to award costs as the Secretary of State has under section 322. The provisions are commenced only for the purposes of awards of costs by the Secretary of State or inspectors in relation to proceedings which give rise to a hearing.

The Order also makes corresponding provision in relation to the equivalent powers to award costs in the Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9) and in the Planning (Hazardous Substances) Act 1990 (c. 10).

By virtue of article 4 of the Order, the new power to award costs in a case where a hearing is held is not available in certain circumstances where the matter which gave rise to the hearing was initiated before 2nd January 1992.