
STATUTORY INSTRUMENTS

1996 No. 2382

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

**The Town and Country Planning (Costs of Inquiries
etc.) (Examination in Public) Regulations 1996**

<i>Made</i>	- - - -	<i>6th September 1996</i>
<i>Laid before Parliament</i>		<i>19th September 1996</i>
<i>Coming into force</i>	- -	<i>10th October 1996</i>

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of powers conferred upon them by sections 35B(8) and 303A(8) and (9) of the Town and Country Planning Act 1990⁽¹⁾ and of all other powers enabling them in that behalf hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Town and Country Planning (Costs of Inquiries etc.) (Examination in Public) Regulations 1996 and shall come into force on 10th October 1996.

Application

2. These Regulations apply in relation to any person, (“the appointed person”) who is appointed to conduct, or is appointed as one of the persons who are to conduct, an examination in public under section 35B(1) of the Town and Country Planning Act 1990 (“the 1990 Act”) and whose remuneration, and travelling or subsistence allowances (if any), in respect of that appointment are to be paid to him by the local planning authority causing the examination to be held.

Standard daily amount

3. The standard daily amount prescribed under section 303A(8) of the 1990 Act is £273.

(1) 1990 c. 8. Section 35B of the Town and Country Planning Act 1990 (“the 1990 Act”) was inserted by the Planning and Compensation Act 1991 (c. 34), Schedule 4, paragraph 17, and subsection (8) of that section was inserted by section 1(5) of the Town and Country Planning (Costs of Inquiries etc.) Act 1995 (c. 49) (“the 1995 Act”). Section 303A of the 1990 Act was inserted by section 1(1) of the 1995 Act. See section 336(1) of the 1990 Act for the definition of “prescribed”.

Travelling allowances

4.—(1) The travelling allowance prescribed under section 303A(8) of the 1990 Act in respect of the appointed person where he travels by means of his own private motor vehicle, or such a vehicle for his use, is—

- (a) 23.8 pence per mile where he travels more than 120 miles in a day in connection with the examination in public, in respect of that day;
- (b) in any other case the amount per mile specified in the second column in Schedule 1 to these Regulations in relation to the cylinder capacity of the engine of the vehicle as specified in the first column of that Schedule.

(2) Where paragraph (1) applies, if the appointed person is accompanied by a passenger who is also an appointed person, the appointed person who is not a passenger is entitled to an additional allowance of 2 pence for every mile he travels in connection with the examination in public for the first such passenger and 1 pence per mile for every other such passenger.

(3) The travelling allowance prescribed in respect of the appointed person where he travels by means of transport other than that described in paragraph (1) is the actual cost of first class or other class of rail, bus, coach or taxi fares which he incurs except that taxi fares are included within such an allowance only to the extent that it is not reasonably practicable for the appointed person to travel by means of rail, bus or coach.

Subsistence allowance

5. The subsistence allowance prescribed under section 303A(8) of the 1990 Act is, except as specified in paragraphs (2) and (3), in respect of absence of the appointed person from his usual place of residence of the duration described in the first column of Schedule 2 to these Regulations, the amount specified in relation to it in the second column of that Schedule.

(2) Subject to paragraph (3), for each complete period of 24 hours the appointed person necessarily spends away from his usual place of residence to enable him to conduct the business of the examination in public he shall be entitled to an allowance of—

- (a) £62.45 per night spent away from that place of residence, where the examination in public is in the area of the London boroughs, the City of London, the City of Westminster, the Inner Temple or the Middle Temple;
- (b) £60.00 per night in any other case; and
- (c) £5.00 for incidental expenses.

(3) The subsistence allowance specified shall be the actual cost of accommodation and meals where the cost of the only suitable accommodation and meals which can be obtained exceeds the allowance specified in paragraph (2).

Signed by authority of the Secretary of State for the Environment

5th September 1996

Paul Beresford
Parliamentary Under Secretary of State,
Department of the Environment

Signed by authority of the Secretary of State for Wales

6th September 1996

Gwilym Jones
Parliamentary Under Secretary of State, Welsh
Office

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 1

Regulation 4

TRAVELLING ALLOWANCE—120 MILES OR LESS PER DAY

<i>Cylinder capacity of motor vehicle</i>	<i>Rate per mile—pence</i>
Not exceeding 1500 cc	34
Exceeding 1500 but not exceeding 2000 cc	43
Exceeding 2000 cc	47

SCHEDULE 2

Regulation 5

SUBSISTENCE ALLOWANCE

<i>Period of absence from usual place of residence</i>	<i>Subsistence allowance</i>
Not less than 5 hours but not exceeding 10 hours	(a) £4.25; or (b) the cost actually incurred of one main meal on a train except the cost of any alcoholic beverages consumed.
More than 10 hours but not exceeding 12 hours	(a) £9.30; or (b) £4.25 and the cost actually incurred of one main meal on a train except the cost of any alcoholic beverages consumed; or (c) the cost actually incurred of two main meals on a train except the cost of any alcoholic beverages consumed.
More than 12 hours	(a) £14.05; or (b) £9.30 and the cost actually incurred of one main meal on a train except the cost of any alcoholic beverages consumed; or (c) £4.25 and the cost actually incurred of two main meals on a train except the cost of any alcoholic beverages consumed; or (d) the cost actually incurred of three main meals on a train except the cost of any alcoholic beverages consumed.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to England and Wales, apply in relation to any person who is appointed to conduct, or is appointed as one of the persons who are to conduct, an examination in public under section 35B(1) of the Town and Country Planning Act 1990 and whose remuneration, and travelling or subsistence allowances (if any), in respect of the appointment are to be paid by the local planning authority.

Examinations in public are a form of administrative hearing which are usually held before the adoption of proposals for the alteration or replacement of a structure plan. Regulation 15 of the Town and Country Planning (Development Plan) Regulations 1991 ([S.I. 1991/2794](#)) and the Codes of Practice on Development Plans are relevant to procedures for such hearings. The 1991 Regulations apply in both England and Wales. The Code of Practice for England (September 1995) is available from the Department of the Environment, Publications Despatch Centre, Blackhorse Road, London, SE99 6TT. The Code of Practice for Wales (January 1993 with amendments in December 1995), is available from the Welsh Office, Planning Division P4a, Cathays Park, Cardiff, CF1 3NQ.

These Regulations specify a standard daily amount which may be charged for each day the person appointed to hold it is engaged on the examination in public or work connected with it. The amount is £273 a day.

The Regulations also prescribe the rate of travelling, subsistence and other allowances.