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## WELSH STATUTORY INSTRUMENTS

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### 2011 No. 2415

## The Local Inquiries, Qualifying Inquiries and Qualifying Procedures (Standard Daily Amount) (Wales) Regulations 2011

### Title, commencement and application

1.—(1) The title of these Regulations is the Local Inquiries Qualifying Inquiries and Qualifying Procedures (Standard Daily Amount) (Wales) Regulations 2011 and they come into force on 1 April 2012.

(2) These Regulations apply in relation to Wales.

### Interpretation

2. In these Regulations—

“local inquiry” (“*ymchwiliad lleol*”) means an inquiry in relation to which the Welsh Ministers are entitled to recover their costs under or by virtue of section 250(4) of the Local Government Act 1972<sup>(1)</sup> (general provision as to costs of inquiries) or section 69(5) of the Land Drainage Act 1991<sup>(2)</sup> (costs of an inquiry under that Act);

“qualifying inquiry” (“*ymchwiliad cymwys*”) means a qualifying inquiry within the meaning of that term in section 303A(1) of the 1990 Act (insofar as that section continues to have effect without the amendment inserted by section 118 of, and paragraph 11(2) of Schedule 6 to, the Planning and Compulsory Purchase Act 2004 (“the 2004 Act”)) and held in relation to the area of a local planning authority in respect of which the provisions set out in Schedule 2 to the Planning and Compulsory Purchase Act 2004 (Commencement No. 6, Transitional Provisions and Savings) Order 2005<sup>(3)</sup> continue to have effect in accordance with article 3(3) of that Order;

“qualifying procedure” (“*gweithdrefn gymwys*”) means a qualifying procedure within the meaning of that term in section 303A(1A) of the 1990 Act<sup>(4)</sup> and held in relation to the area of a local planning authority in respect of which the repeals set out in Schedule 1 to the Planning and Compulsory Purchase Act 2004 (Commencement No. 6, Transitional Provisions and Savings) Order 2005 have effect in accordance with article 2(g) of that Order.

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(1) 1972 c. 70. The functions under section 250(4) of the Local Government Act 1972 were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) as varied by the National Assembly for Wales (Transfer of Functions) Order 2000, article 4. The functions were transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006.

(2) 1991 c. 59.

(3) S.I. 2005/2847 (C.118). By article 2(e) of the Order, the amendment of section 303A of the 1990 Act made by the 2004 Act came into force in relation to Wales on 12 October 2005. However, by article 3(3) of that Order, the provisions of section 303A as inserted by the Town and Country Planning (Costs of Inquiries etc.) Act 1995 remain in force in relation to the areas of local planning authorities to whom the provisions in the 1990 Act relating to the preparation, alteration and replacement of unitary development plans continue to apply. The general effect of the several provisions referred to above is that where a local planning authority in Wales is subject to the local development plan regime, an independent examination will be held and the Welsh Ministers will have power to prescribe a standard daily amount in relation to it. Where a local planning authority continues to be subject to the unitary development plan regime, however, a local inquiry will, where appropriate, be held and the Welsh Ministers will continue to have power to prescribe a standard daily amount in relation to it.

(4) Section 303(1A) was inserted into the 1990 Act by section 118 of, and paragraph 11 of Schedule 6 to, the 2004 Act.

### **Persons, inquiries and procedures to which these Regulations apply**

3. These Regulations apply in relation to—
- (a) a local inquiry; and
  - (b) any person appointed by the Welsh Ministers to hold, or as one of the persons so appointed who are to hold, a qualifying inquiry; and
  - (c) any person appointed by the Welsh Ministers to hold a qualifying procedure.

### **Standard daily amount for local inquiries**

4. The standard daily amount prescribed pursuant to section 42(4) of the 1986 Act for a local inquiry opening on or after 1 April 2012 is £742.

### **Standard daily amount for qualifying inquiries**

5. The standard daily amount prescribed pursuant to section 303A(5) of the 1990 Act for a qualifying inquiry opening on or after 1 April 2012 is £679.

### **Standard daily amount for qualifying procedures**

6. The standard daily amount prescribed pursuant to section 303A(5) of the 1990 Act for a qualifying procedure opening on or after 1 April 2012 is £679.

### **Revocations and savings**

7. The Local Inquiries, Qualifying Inquiries and Qualifying Procedures (Standard Daily Amount) (Wales) Regulations 2007<sup>(5)</sup> are revoked, otherwise than in relation to an inquiry to which those Regulations applied and which opened before, and remains open after 1 April 2012 and in relation to a qualifying procedure which started before, and remains ongoing after 1 April 2012.

3 October 2011

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Minister for Environment and Sustainable  
Development, one of the Welsh Ministers