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WELSH STATUTORY INSTRUMENTS

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**2017 No. 476 (W. 99)**

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

**The Local Inquiries and Qualifying Procedures  
(Standard Daily Amount) (Wales) Regulations 2017**

<i>Made</i>	- - - -	<i>24 March 2017</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>31 March 2017</i>
<i>Coming into force</i>	- -	<i>5 May 2017</i>

The Welsh Ministers in exercise of the powers conferred by section 42(4) of the Housing and Planning Act 1986<sup>(1)</sup> on any Minister authorised, under or by virtue of statutory provisions mentioned in section 42(1)<sup>(2)</sup> of that Act or to which that section is applied<sup>(3)</sup>, to recover costs incurred by the Minister in relation to an inquiry, which powers are now exercisable by them<sup>(4)</sup>; and conferred upon the National Assembly for Wales as the appropriate authority by section 303A(5) of the Town and Country Planning Act 1990<sup>(5)</sup> which powers are now exercisable by them<sup>(6)</sup>, make the following Regulations:

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- (1) 1986 c. 63.
- (2) Section 42(1)(b) was repealed by section 3(1) of, and Part 1 of Schedule 3 to, the Water Consolidation (Consequential Provisions) Act 1991 (c. 60). Section 42(1)(d) was repealed by section 194(4) of, and Part 2 of Schedule 12 to, the Local Government and Housing Act 1989 (c. 42). Section 129(1)(d) of the Road Traffic Regulation Act 1984 (c. 27) referred to in section 42(1)(c) was repealed by section 49(2) of, and Schedule 3 to, the Inquiries Act 2005 (c. 12).
- (3) Section 69(7) of the Land Drainage Act 1991 (c. 59) (“the 1991 Act”) provides that section 42 of the Housing and Planning Act 1986 (“the 1986 Act”) applies where either of “the Ministers” is authorised by section 69(5) of the 1991 Act to recover costs incurred by that Minister in relation to an inquiry as it applies where a Minister is authorised by virtue of any enactment specified in section 42(1) of the 1986 Act. See section 72(1) of the 1991 Act and the Ministry of Agriculture, Fisheries and Food (Dissolution) Order (S.I. 2002/794) for the definition of “the Ministers” i.e. the Secretary of State or the Minister of Agriculture, Fisheries and Food. The functions of the Secretary of State were transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) (“the 1999 TFO”). The functions of the National Assembly for Wales were transferred to the Welsh Ministers by section 162 of, and paragraphs 30 and 32 of Schedule 11 to, the Government of Wales Act 2006 (c. 32) (“GOWA”).
- (4) Article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/253) (W. 5) provides for the functions under section 42 of the 1986 Act to be exercisable by the National Assembly for Wales concurrently with any Minister of the Crown by whom they are exercisable. The functions of the National Assembly for Wales were transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, GOWA.
- (5) 1990 c. 8. Section 303A was inserted into the Town and Country Planning Act 1990 (“the 1990 Act”) by section 1(1) of the Town and Country Planning (Costs of Inquiries etc.) Act 1995 (c. 49) which was itself repealed by the Statute Law (Repeals) Act 2008 (c. 12). Section 303A(5) was amended by section 118(1) of, and paragraph 11 of Schedule 6 to, the Planning and Compulsory Purchase Act 2004 (c. 5) (“the 2004 Act”). See section 336 of the 1990 Act for the meaning of “prescribed”.
- (6) The functions under section 303A(5) of the 1990 Act were transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, GOWA.