

*Status: Point in time view as at 27/05/1997.*

*Changes to legislation: Town and Country Planning (Scotland) Act 1997, Paragraph 7 is up to date with all changes known to be in force on or before 22 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 5

#### SIMPLIFIED PLANNING ZONES

##### *Procedure for dealing with objections*

- 7 (1) Where objections to the proposed scheme or alterations are made, the planning authority may—
- (a) for the purpose of considering the objections, cause a local inquiry or other hearing to be held by a person appointed by the Secretary of State or, in such cases as may be prescribed, appointed by the authority, or
  - (b) require the objections to be considered by a person appointed by the Secretary of State.
- (2) A planning authority shall exercise the power under sub-paragraph (1), or paragraph (a) or (b) of that sub-paragraph, if directed to do so by the Secretary of State.
- (3) Regulations may—
- (a) make provision with respect to the appointment, and qualifications for appointment, of persons for the purposes of this paragraph;
  - (b) include provision enabling the Secretary of State to direct a planning authority to appoint a particular person, or one of a specified list or class of persons;
  - (c) make provision with respect to the remuneration and allowances of the person appointed.
- (4) The <sup>M1</sup>Tribunals and Inquiries Act 1992 applies to a local inquiry or other hearing held under this paragraph as it applies to a statutory inquiry held by the Secretary of State, with the substitution in section 10(1) (statement of reasons for decision) for the references to a decision taken by the Secretary of State of references to a decision taken by a planning authority.
- (5) The planning authority shall—
- (a) where a person appointed under or by virtue of this paragraph is in the public service of the Crown, pay the Secretary of State, and
  - (b) in any other case, pay the person so appointed,
- a sum, determined in accordance with regulations under sub-paragraph (6), in respect of the performance by the person so appointed of his functions in relation to the inquiry or hearing (whether or not it takes place).
- (6) Regulations made by the Secretary of State may make provision with respect to the determination of the sum referred to in sub-paragraph (5) and may in particular prescribe, in relation to any class of person appointed under or by virtue of this paragraph, a standard daily amount applicable in respect of each day on which a

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person of that class is engaged in holding, or in work connected with, the inquiry or hearing.

- (7) Without prejudice to the generality of sub-paragraph (6), the Secretary of State may, in prescribing by virtue of that sub-paragraph a standard daily amount for any class of person—
- (a) where the persons of that class are in the public service of the Crown, have regard to the general staff costs and overheads of his department, and
  - (b) in any other case, have regard to the general administrative costs incurred by persons of that class in connection with the performance by them of their functions in relation to such inquiries and hearings.

**Modifications etc. (not altering text)**

**C1** Sch. 5 para. 7(5)-(7) amended (27.5.1997) by 1997 c. 11, ss. 5, 6(2), Sch. 3 para. 14

**Marginal Citations**

**M1** 1992 c. 53.

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