
STATUTORY INSTRUMENTS

1991 No. 2698 (C.80)

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

**The Planning (Consequential Provisions) Act 1990 (Appointed
Day No. 1 and Transitional Provisions) Order 1991**

Made - - - - 21st November 1991

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by paragraph 1(3) and (4) of Schedule 4 to the Planning (Consequential Provisions) Act 1990⁽¹⁾, and of all other powers enabling them in that behalf, hereby make the following Order:

Citation

1. This Order may be cited as the Planning (Consequential Provisions) Act 1990 (Appointed Day No. 1 and Transitional Provisions) Order 1991. Interpretation

2. In this Order, “Schedule 4” means Schedule 4 to the Planning (Consequential Provisions) Act 1990.

Partial commencement of provisions conferring powers to award costs

3. –

(1) Subject to paragraph (2) and article 4, 2nd January 1992 is the day appointed under paragraph 1(3)(a) of Schedule 4 for the purposes of paragraphs 3 to 16 of that Schedule.

(2) Paragraph (1) has effect only for the purposes of awards of costs in relation to proceedings which give rise to a hearing.

Transitional Provisions

4. Nothing in article 3 shall apply in relation to any proceedings occasioned by an application referred to the Secretary of State or an appeal made to him before 2nd January 1992, or by an order or notice submitted or sent to the Secretary of State before that date for his confirmation or approval.

Status: This is the original version (as it was originally made).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

Signed by authority of the Secretary of State

Department of the Environment
20th November 1991

G. S. K. Young
Minister of State, for the Environment

21st November 1991

David Hunt
Secretary of State for Wales

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.