

**2004 No. 421**

**TOWN AND COUNTRY PLANNING, ENGLAND**

**TRIBUNALS AND INQUIRIES, ENGLAND**

**The Town and Country Planning (Costs of Inquiries etc.)  
(Standard Daily Amount) (England) Regulations 2004**

<i>Made</i> - - - -	<i>20th February 2004</i>
<i>Laid before Parliament</i>	<i>25th February 2004</i>
<i>Coming into force</i>	<i>31st March 2004</i>

The First Secretary of State, in exercise of the powers conferred upon him by section 303A(5) of the Town and Country Planning Act 1990(a) and of all other powers enabling him in that behalf hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Town and Country Planning (Costs of Inquiries etc.) (Standard Daily Amount) (England) Regulations 2004 and shall come into force on 31st March 2004.

**Application**

2.—(1) These Regulations apply in England only.

(2) These Regulations apply in relation to any person, other than a person described in paragraph (3) below, appointed by the Secretary of State to hold, or as one of the persons who are to hold, a qualifying inquiry opening on or after the date on which these Regulations come into force.

(3) These Regulations do not 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 (“the 1990 Act”)(b) and whose remuneration and travelling and subsistence allowances (if any) in respect of that appointment are to be paid as mentioned in section 303A(7) of the 1990 Act.

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(a) 1990 c. 8. Section 303A of the Town and Country Planning Act 1990 was inserted by section 1 of the Town and Country Planning (Costs of Inquiries etc.) Act 1995 (c. 49). See section 336(1) of the 1990 Act for the definition of “prescribed”. The functions of the Secretary of State under the section cited were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2; see the entry in Schedule 1 for the Town and Country Planning Act 1990, as substituted by article 4 of, and Schedule 3 to, the National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/253).

(b) Section 35B of the 1990 Act was inserted by section 27 of, and paragraph 17 of Schedule 4 to, the Planning and Compensation Act 1991 (c. 34).

## Standard daily amount

3. The standard daily amount prescribed under section 303A(5) of the 1990 Act is —
- (a) in relation to inquiries opening on or after 31st March 2004 and before 31st March 2005, £622; and
  - (b) in relation to inquiries opening on or after 31st March 2005, £679.

Signed by authority of the First Secretary of State

20th February 2004

*Keith Hill*  
Minister of State  
Office of the Deputy Prime Minister

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which apply in England only, apply where the Secretary of State is authorised to recover costs borne by him in connection with unitary development plan, local plan or simplified planning zone inquiries or other hearings or examinations in public in respect of structure plans (“qualifying inquiries”).

The Regulations specify a standard daily amount which may be charged for each day the person appointed to hold it is engaged in the conduct of the inquiry or other hearing or is otherwise engaged on work connected with it. The amount is £622 per day in relation to qualifying inquiries opening on or after 31st March 2004 and before 31st March 2005. This is an increase of approximately 9.9 per cent of the previous standard daily amount of £566 prescribed in 2003 (S.I. 2003/464). The amount is £679 per day in relation to qualifying inquiries opening on or after 31st March 2005. This is an increase of approximately 9.2 per cent of the standard daily amount of £622 prescribed in regulation 3(a) of these Regulations.

These Regulations do not apply in relation to a person who is appointed to conduct an examination in public, under section 35B(1) of the Town and Country Planning Act 1990, where that person’s remuneration and travelling or subsistence allowances (if any) are to be paid by the local planning authority. The Town and Country Planning (Costs of Inquiries etc.) (Examination in Public) (England) (No. 2) Regulations 2003 (S.I. 2003/2948) apply in such cases.

A full regulatory impact assessment has not been produced for this instrument, as it has no impact on the costs of businesses, charities or voluntary bodies.

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