

SCHEDULE 5

(introduced by section 51)

COSTS AND PROCEDURE ON APPEALS ETC: FURTHER AMENDMENTS

Highways Act 1980 (c. 66)

- 1 The Highways Act 1980 is amended as follows.
- 2 (1) Section 121 is amended as follows.
 - (2) In subsection (5D), after “above” insert “in England”.
 - (3) In subsection (5E), after “above” insert “in England”.
 - (4) After subsection (5E) insert—

“(5F) Section 322C of the Town and Country Planning Act 1990 (costs: Wales) applies in relation to a hearing or inquiry under subsection (5A) above in Wales as it applies in relation to a hearing or inquiry mentioned in that section.”
- 3 In Schedule 6, in paragraph 2B—
 - (a) in sub-paragraph (1), after “above” insert “in England”;
 - (b) in sub-paragraph (3), after “above” insert “in England”;
 - (c) after sub-paragraph (3) insert—

“(4) Section 322C of the Town and Country Planning Act 1990 (costs: Wales) applies in relation to a hearing or inquiry under sub-paragraph (2) above in Wales as it applies in relation to a hearing or inquiry mentioned in that section.”

Wildlife and Countryside Act 1981 (c. 69)

- 4 The Wildlife and Countryside Act 1981 is amended as follows.
- 5 In section 28F, after subsection (11) insert—

“(12) In relation to Wales this section has effect as if for subsections (10) and (11) there were substituted—

“(10) Section 322C of the Town and Country Planning Act 1990 (costs: Wales) applies in relation to a hearing or inquiry under this section in Wales as it applies in relation to a hearing or inquiry mentioned in that section.””
- 6 In section 28L, after subsection (13) insert—

“(14) In relation to Wales this section has effect as if for subsections (12) and (13) there were substituted—

“(12) Section 322C of the Town and Country Planning Act 1990 (costs: Wales) applies in relation to a hearing or inquiry under this section in Wales as it applies in relation to a hearing or inquiry mentioned in that section.””
- 7 In Schedule 15, in paragraph 10A—
 - (a) in sub-paragraph (1), after “8” insert “in England”;

Status: This is the original version (as it was originally enacted).

- (b) in sub-paragraph (3), after “8” insert “in England”;
- (c) after sub-paragraph (3) insert—

“(4) Section 322C of the Town and Country Planning Act 1990 (costs: Wales) applies in relation to a hearing or inquiry under paragraph 7 or 8 in Wales as it applies in relation to a hearing or inquiry mentioned in that section.”

Town and Country Planning Act 1990 (c. 8)

- 8 TCPA 1990 is amended as follows.
- 9 In section 175, in subsection (7), after “any proceedings” insert “in England”.
- 10 In section 196, in subsection (8), after “any proceedings” insert “in England”.
- 11 In section 208, omit subsection (11).
- 12 (1) Section 320 is amended as follows.
- (2) In subsection (1)—
- (a) after “Secretary of State” insert “or the Welsh Ministers”;
 - (b) after “his” insert “or their”.
- (3) In subsection (2), for “held by virtue of this section” substitute “caused to be held under this section by the Secretary of State; and subsections (2) and (3) of that section apply to an inquiry caused to be held under this section by the Welsh Ministers”.
- (4) In subsection (3), for “held in England” substitute “caused to be held by the Secretary of State”.
- 13 (1) Section 322 is amended as follows.
- (2) Omit subsection (1AA).
- (3) In subsection (2), after “proceedings” insert “in England”.
- (4) In the heading, after “held” insert “: England”.
- 14 (1) Section 322A is amended as follows.
- (2) In subsection (1)(a), after “proceedings” insert “in England”.
- (3) Omit subsection (1B).
- 15 (1) Section 323 is amended as follows.
- (2) In subsection (1), after “proceedings” insert “in England”.
- (3) Omit subsection (1B).
- (4) In the heading, after “applications” insert “: England”.
- 16 (1) Schedule 6 is amended as follows.
- (2) In paragraph 6—
- (a) in sub-paragraph (4), after “paragraph” insert “in England”;
 - (b) after sub-paragraph (4) insert—

- “(4A) Subsections (2) and (3) of that section apply to an inquiry held under this paragraph in Wales.”;
- (c) in sub-paragraph (5), after “proceedings” insert “in England”.
- (3) In paragraph 8, in sub-paragraph (1), after “hearing held” insert “in England”.
- 17 In Schedule 7, in paragraph 8—
- (a) in sub-paragraph (6), after “hearing held” insert “in England”;
- (b) after sub-paragraph (6) insert—
- “(6A) The power to make regulations under section 323A applies in relation to a local inquiry or other hearing held in Wales under this paragraph as it applies in relation to an inquiry or hearing held by the Welsh Ministers under this Act and as if references in section 323A(3) and (4) to the Welsh Ministers included references to a local planning authority.”
- 18 In Schedule 8, in paragraph 5—
- (a) in sub-paragraph (3), after “inquiry held” insert “in England”;
- (b) after sub-paragraph (3) insert—
- “(3ZA) The power to make regulations under section 323A applies in relation to an inquiry held in Wales by a commission under this paragraph as it applies in relation to an inquiry held by the Welsh Ministers under this Act and as if references in section 323A(3) and (4) to the Welsh Ministers included references to a commission.”;
- (c) in sub-paragraph (4), after “sub-paragraph (1)” insert “in England, and subsections (2) and (3) of that section shall apply in relation to an inquiry held under that sub-paragraph in Wales,”.

Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)

- 19 The Planning (Listed Buildings and Conservation Areas) Act 1990 is amended as follows.
- 20 In section 41, in subsection (8), after “any proceedings” insert “in England”.
- 21 (1) Section 89 is amended as follows.
- (2) In subsection (1)—
- (a) in the entry relating to section 322, after “held” insert “: England”;
- (b) after the entry relating to section 322A, insert—
- “section 322C (costs: Wales),”;
- (c) in the entry relating to section 323, after “applications” insert “: England”;
- (d) after the entry relating to section 323, insert—
- “section 323A (procedure for certain proceedings: Wales)”.
- (3) Omit subsection (1ZB).
- 22 In Schedule 3, in paragraph 6—
- (a) in sub-paragraph (4), after “paragraph” insert “in England”;
- (b) after sub-paragraph (4) insert—

Status: This is the original version (as it was originally enacted).

- “(4A) Subsections (2) and (3) of that section apply to an inquiry held under this paragraph in Wales.”;
- (c) in sub-paragraph (5), for “such inquiry” substitute “inquiry held by virtue of this paragraph”;
 - (d) in sub-paragraph (8), after “proceedings” insert “in England”.

Planning (Hazardous Substances) Act 1990 (c. 10)

- 23 The Planning (Hazardous Substances) Act 1990 is amended as follows.
- 24 In section 25, in subsection (5), after “any proceedings” insert “in England”.
- 25 (1) Section 37 is amended as follows.
- (2) In subsection (2)—
 - (a) in the entry relating to section 322, after “held” insert “: England”;
 - (b) after the entry relating to section 322A, insert—
“section 322C (costs: Wales)”;
 - (c) in the entry relating to section 323, after “applications” insert “: England”;
 - (d) after the entry relating to section 323, insert—
“section 323A (procedure for certain proceedings: Wales)”.
 - (3) Omit subsection (4).
- 26 In the Schedule, in paragraph 6—
- (a) in sub-paragraph (4), after “paragraph” insert “in England”;
 - (b) after sub-paragraph (4) insert—
“(4A) Subsections (2) and (3) of that section apply to an inquiry held under this paragraph in Wales.”;
 - (c) in sub-paragraph (5), for “such inquiry” substitute “inquiry held by virtue of this paragraph”;
 - (d) in sub-paragraph (8), after “proceedings” insert “in England”.

Tribunals and Inquiries Act 1992 (c. 53)

- 27 In section 16 of the Tribunals and Inquiries Act 1992, in subsection (1), in the definition of “statutory inquiry”, after paragraph (b) insert—

“but does not include an inquiry or hearing held or to be held in Wales under any provision of the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990 or the Planning (Hazardous Substances) Act 1990,”.