2003 No. 1179

TOWN AND COUNTRY PLANNING, ENGLAND

TRIBUNALS AND INQUIRIES, ENGLAND

The Town and Country Planning (Costs of Inquiries etc.) (Examination in Public) (England) Regulations 2003

Made - - - - -	*29th April 2003*
Laid before Parliament	*2nd May 2003*
Coming into force - -	*23rd May 2003*

The First Secretary of State, in exercise of the powers conferred upon him by section 35B(8) and 303A(8) and (9) 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, commencement and extent

1.—(1) These Regulations may be cited as the Town and Country Planning (Costs of Inquiries etc.) (Examination in Public) (England) Regulations 2003 and shall come into force on 23rd May 2003.

(2) These Regulations apply in England only.

Application

2. These Regulations apply in relation to any person ("the appointed person") who is after 2003 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") and whose remuneration, and travelling or subsistence allowances (if any) in respect of that appointment are to be paid to him by the local planning authority causing the examination to be held.

Standard daily amount

3. The standard daily amount prescribed under section 303A(8) of the 1990 Act is £323.

(**a**) 1990 c. 8. Section 35B of the Town and Country Planning Act 1990 ("the 1990 Act") was inserted by the Planning and Compensation Act 1991 (c. 34), Schedule 4, paragraph 17, and subsection (8)of that section was inserted by section 1(5) of the Town and Country Planning (Costs of Inquiries etc.) Act 1995 (c. 49) ("the 1995 Act"). Section 303A of the 1990 Act was inserted by section 1(1) of the 1995 Act. See section 336(1) of the 1990 Act for the definition of "prescribed". The functions of the Secretary of State under the sections 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).

[ODPM 2774]

Travelling allowances

4. The travelling allowance prescribed under section 303A(8) of the 1990 Act in respect of the appointed person is—

(a) where he travels by means of his own private motor car, or such a vehicle for his use, in connection with the examination in public—

(i) where it is not reasonably practicable for him to travel by means of rail, bus or coach, 40 pence for each mile up to 4,000 miles and 24 pence for each mile in excess of 4,000;

(ii) where it is reasonably practicable for him to travel by means of rail, bus or coach, 24 pence per mile;

(iii) if he is accompanied by a passenger who is also an appointed person, the appointed person who is not a passenger is entitled to an additional allowance of 3 pence for each mile he travels in connection with the examination in public for the first such passenger and 2 pence per mile for every other such passenger.

(b) where he travels by means of his own private motor cycle, or such a vehicle for his use, the amount per mile specified in the second or third column in Schedule 1 to these Regulations according to the cyclinder capacity of the motor cycle engine specified in those columns and the type of insurance cover taken out by the appointed person in relation to that motor cycle specified in the first column;

(c) where he travels by means of a pedal cycle, 12 pence per mile;

(d) where he travels by means of transport other than that described in sub-paragraphs (a), (b) or (c), the actual cost of first class or other class of rail, bus, coach or taxi fares which he incurs except that taxi fares are included within such an allowance only to the extent that it is not reasonably practicable for the appointed person to travel by means of rail, bus or coach.

Subsistence allowance

5.—(1) The subsistence allowance prescribed under section 303A(8) of the 1990 Act, except as specified in paragraph (2), in respect of absence of the appointed person from his usual place of residence for the period described in the first column of Schedule 2 to these Regulations, is the actual cost of meals consumed by that person during that period or the amount specified in relation to it in the second column of that Schedule, whichever is the less.

(2) For each complete period of 24 hours the appointed person necessarily spends away from his usual place of residence to enable him to conduct the business of the examination in public he shall be entitled to allowances of—

(a) the actual cost of accommodation and meals during that period, subject to a maximum amount of—

(i) £95 per night spent away from his place of residence, where the examination in public is in the area of the London boroughs, the City of London, the City of Westminster, the Inner Temple or the Middle Temple;

(ii) £75 per night where the examination in public is in any other area; or

(iii) £25 per night where the appointed person stays with friends or relatives; and

(b) £5 for incidental expenses.

Signed by authority of the First Secretary of State

Tony McNulty
Parliamentary Under Secretary of State,
Office of the Deputy Prime Minister

29th April 2003

SCHEDULE 1

Regulation 4

TRAVELLING ALLOWANCE

Type of Insurance	*Cylinder capacity of motor cycle*	
	Up to 125 cc	Exceeding 125 cc
Third party	16 pence per mile	24 pence per mile
Comprehensive	18 pence per mile	27 pence per mile

SCHEDULE 2

Regulation 5

SUBSISTENCE ALLOWANCE

Period of absence from usual place of residence	*Subsistence allowance*
Not less than 5 hours but not exceeding 10 hours	£4.50
More than 10 hours but not exceeding 12 hours	£9.50
More than 12 hours	£14.00

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in England only, apply in relation to any person who is after 23rd May 2003 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 and whose remuneration, and travelling or subsistence allowances (if any), in respect of the appointment are to be paid by the local planning authority.

Examinations in public are a form of administrative hearing which are usually held before the adoption of proposals for the alteration or replacement of a structure plan. Regulation 14 of the Town and Country Planning (Development Plan) (England) Regulations 1999 (S.I. 1999/3280) and the Code of Practice on Structure Plans are relevant to procedures for such hearings. The Code of Practice, contained in Structure Plans—A Guide to Procedures (1999) is available from the Office of the Deputy Prime Minister, ODPM Free Literature, PO Box 236, Wetherby, L23 7NB.

These Regulations specify a standard daily amount which may be charged for each day the person appointed to hold it is engaged on the examination in public or work connected with it. The amount is £323 a day. This is an increase of approximately 7.65% over the previous amount of £300 prescribed in S.I. 2000/2311.

The Regulations also prescribe the rates of travelling, subsistence and other allowances. There are no changes to these rates from the rates prescribed in S.I. 2000/2311.

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