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GUERNSEY STATUTORY INSTRUMENT

2014 No. 66

**The Land Planning and Development (Plans Inquiry)
(Amendment) Regulations, 2014**

<i>Made</i>	<i>7th October, 2014</i>
<i>Coming into operation</i>	<i>1st November, 2014</i>
<i>Laid before the States</i>	<i>, 2014</i>

THE ENVIRONMENT DEPARTMENT, in exercise of the powers conferred on it by sections 12(3) and 89 of the Land Planning and Development (Guernsey) Law, 2005^a and of all other powers enabling it in that behalf, hereby makes the following Regulations:-

Amendment to the 2008 Regulations.

1. (1) The Land Planning and Development (Plans Inquiry) Regulations, 2008^b are amended as follows.

(2) At the end of regulation 2(2)(e) (inquiry administration), for "and" substitute "or".

^a Order in Council No. XVI of 2005 as amended by Order in Council No. XIII of 2010, Recueil d'Ordonnances Vol. XXXII pp. 224, 257, 369, 419 and 439 and Ordinance No. XVIII of 2011.

^b G.S.I. No. 7 of 2008.

(3) In regulation 13(4) (procedure at an inquiry hearing), for "written representations" substitute "representations".

(4) After regulation 16 (availability of documents on a website) insert the following regulation -

"Recording of hearings and supply of documents.

16A. (1) The inspector may arrange for a preliminary meeting or an inquiry hearing to be recorded in writing or in electronic form.

(2) If the inspector arranges for a recording under paragraph (1) to be made a person may make a written application to -

- (a) the inspector during an inquiry but before the close of the inquiry hearing, or
- (b) the Policy Council after the close of the inquiry hearing,

requesting a copy of a transcript, or a digital copy, of the recording or a part of the same.

(3) Where an application under paragraph (2) is received, the copy must be provided to the applicant on payment of such reasonable fee as the inspector or Policy Council, as the case may be, may determine to cover the reasonable administrative, printing, photocopying and other costs of making the recording, transcribing it and providing the copy.

(4) The Policy Council is not required to supply a copy under paragraph (3) if an application is made to it after a period of more than one year starting from the date of the close of the inquiry hearing.

(5) A recording arranged under this regulation is not a substitute for the inspector's report prepared under section 9 of the Plans Ordinance which contains the inspector's conclusions and recommendations on the proposals and reasons for the same.

(6) The inspector may charge a reasonable fee for the supply of any other document, or a copy of the same, for which there is no provision for a fee for making the document available for purchase or supplying a copy (however worded) under any other provision of these Regulations.

(7) In this regulation, the "close of the inquiry hearing" means the end of the final session of the inquiry hearing, including any further or re-opened inquiry hearing, in relation to the proposals in question."

Interpretation.

2. (1) In these Regulations, unless the context requires otherwise -

"**enactment**" means any Law, Ordinance or subordinate legislation,
and

"**subordinate legislation**" means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any enactment and having legislative effect.

(2) The Interpretation (Guernsey) Law, 1948^c applies to the interpretation of these Regulations.

(3) Any reference in these Regulations to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

Citation and commencement.

3. These Regulations may be cited as the Land Planning and Development (Plans Inquiry) (Amendment) Regulations, 2014 and shall come into force on the 1st November, 2014.

Dated this 7th day of October, 2014



YVONNE BURFORD

Minister of the States Environment Department

For and on behalf of the Department

^c Ordres en Conseil Vol. XIII, p. 355.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Land Planning and Development (Plans Inquiry Regulations), 2008 by adding a new regulation 16A.

The new regulation gives a planning inquiry inspector power to arrange for a preliminary meeting or inquiry hearing held under the Regulations to be recorded in writing or electronically.

If the inspector arranges for such a recording to be made, a person may apply in writing for a copy or digital copy of the transcript to the inspector before the close of the inquiry hearing or to the Policy Council after the close of the inquiry hearing. A copy must be supplied on payment of such reasonable fee as the inspector or Policy Council may determine except that the Policy Council is not required to provide a copy if it receives an application more than one year after the close of the inquiry hearing.

The Regulation also gives the inspector a power to charge a reasonable fee for supplying a document, or a copy document, to a person for which the inspector does not already have the power to charge a fee under any other provision of these Regulations.

The Regulations also make two minor amendments to regulations 2(2)(e) and 13(4) to clarify the intended meaning of those provisions.

These Regulations come into force on the 1st day of November, 2014.