

PLANNING AND DEVELOPMENT ACT 2000

F372 [**Costs in environmental matters.**

50B. — (1) This section applies to proceedings of the following kinds:

(a) proceedings in the High Court by way of judicial review, or of seeking leave to apply for judicial review, of —

(i) any decision or purported decision made or purportedly made,

(ii) any action taken or purportedly taken, F373 [...]

(iii) any failure to take any action,

pursuant to a F374 [statutory provision] that gives effect to —

(I) a provision of Council Directive 85/337/EEC of 27 June 1985 to which Article 10a (inserted by Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directive 85/337/EEC and 96/61/EC) of that Council Directive applies,

(II) Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment, or

(III) a provision of Directive 2008/1/EC of the European Parliament and of the Council of 15 January 2008 concerning integrated pollution prevention and control to which Article 16 of that Directive F374 [applies, or]

F375 [(IV) paragraph 3 or 4 of Article 6 of the Habitats Directive; or]

(b) an appeal (including an appeal by way of case stated) to the Supreme Court from a decision of the High Court in a proceeding referred to in *paragraph (a)* ;

(c) proceedings in the High Court or the Supreme Court for interim or interlocutory relief in relation to a proceeding referred to in *paragraph (a)* or *(b)* .

F376 [(2) Notwithstanding anything contained in Order 99 of the Rules of the Superior Courts (**S.I. No. 15 of 1986**) and subject to *subsections (2A)* , *(3)* and *(4)* , in proceedings to which this section applies, each party to the proceedings (including any notice party) shall bear its own costs.]

F377 [(2A) The costs of proceedings, or a portion of such costs, as are appropriate, may be awarded to the applicant to the extent that the applicant succeeds in obtaining relief and any of those costs shall be borne by the respondent or notice party, or both of them, to the extent that the actions or omissions of the respondent or notice party, or both of them, contributed to the applicant obtaining relief.]

(3) The Court may award costs against a party in proceedings to which this section applies if the Court considers it appropriate to do so —

(a) because the Court considers that a claim or counterclaim by the party is frivolous or vexatious,

(b) because of the manner in which the party has conducted the proceedings, or

(c) where the party is in contempt of the Court.

(4) *Subsection (2)* does not affect the Court ' s entitlement to award costs in favour of a party in a matter of exceptional public importance and where in the special circumstances of the case it is in the interests of justice to do so.

(5) In this section a reference to ' the Court ' shall be construed as, in relation to particular proceedings to which this section applies, a reference to the High Court or the Supreme Court, as may be appropriate.]

F375 [(6) In this section ' statutory provision ' means a provision of an enactment or instrument under an enactment.]

Annotations

Amendments:

F372 Inserted (28.09.2010) by *Planning and Development (Amendment) Act 2010* (30/2010), s. 33, S.I. No. 451 of 2010.

F373 Deleted (22.10.2018) by *Planning and Development (Amendment) Act 2018* (16/2018), s. 29(a)(ii), S.I. No. 436 of 2018.

F374 Substituted (22.10.2018) by *Planning and Development (Amendment) Act 2018* (16/2018), s. 29(a)(i), (iii), S.I. No. 436 of 2018.

F375 Inserted (22.10.2018) by *Planning and Development (Amendment) Act 2018* (16/2018), s. 29(a)(iv), (b), S.I. No. 436 of 2018.

F376 Substituted (23.08.2011) by *Environment (Miscellaneous Provisions) Act 2011* (20/2011), s. 21(a), S.I. No. 433 of 2011.

F377 Inserted (23.08.2011) by *Environment (Miscellaneous Provisions) Act 2011* (20/2011), s. 21(b), S.I. No. 433 of 2011.

Modifications (not altering text):

C62 Application of section extended (1.09.2019) by *Aircraft Noise (Dublin Airport) Regulation Act 2019* (12/2019), s. 10(17), S.I. No. 403 of 2019.

Appeal to Board against relevant regulatory decision

10. ...

(17) Sections 50, 50A and 50B of the Act of 2000 shall, with all necessary modifications, apply to a decision of the Board under *subsection (8) (a)* on the appeal as those sections apply to a decision of the Board under section 37 of that Act on an appeal referred to in section 37R(1) of that Act.

...

C63 Application of section extended (8.09.2011) by *European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011* (S.I. No. 456 of 2011), reg. 22.

Costs in certain civil proceedings

22. Section 50B (inserted by section 33 of the Planning and Development (Amendment) Act 2010 (No. 30 of 2010)) as amended by section 21 of the Environmental Miscellaneous Provisions Act 2011 (No. 20 of 2011) of the Planning and Development Act 2000 applies *mutatis mutandi* to these Regulations.

Editorial Notes:

E182 Previous affecting provision: application of section extended (14.10.2010) by *European Communities (Forest Consent and Assessment) Regulations 2010* (S.I. No. 558 of 2010), reg. 22; revoked (24.05.2017) by *Forestry Regulations 2017* (S.I. No. 191 of 2017), reg. 23(1)(a), in effect as per reg. 1(2).

E183 Previous affecting provision: subs. (2) substituted (28.09.2010) by *Planning and Development (Amendment) Act 2010* (30/2010), s. 33, S.I. No. 451 of 2010; substituted as per F-note above.