

SCHEDULE 4

Regulation 15(8)

DELEGATION OF APPELLATE FUNCTIONS

1. In this Schedule “appointed person” means a person appointed under regulation 15(8) and “appointment” means an appointment under that regulation.

2. A appointment must be in writing and—

- (a) may relate to any particular appeal or matter specified in the appointment or to appeals or matters of a description so specified;
- (b) may provide for any function to which it relates to be exercisable by the appointed person either unconditionally or subject to the fulfilment of such conditions as may be specified in the appointment; and
- (c) may, by notice in writing given to the appointed person, be revoked at any time by the Secretary of State in respect of any appeal or matter which has not been determined by the appointed person before that time.

3. Subject to the provisions of this Schedule, an appointed person shall, in relation to any appeal or matter to which his appointment relates, have the same powers and duties as the Secretary of State has under paragraphs (7), (10), (11) and (12) of regulation 15.

4.—(1) The provisions of this paragraph, instead of regulation 15(6), shall apply to an appeal which falls to be determined by an appointed person.

(2) If the appellant expresses a wish to appear before and be heard by the appointed person, the appointed person shall give him an opportunity of appearing and being heard.

(3) Whether or not an appellant has asked for an opportunity to appear and be heard, the appointed person—

- (a) may hold a local inquiry or other hearing in connection with the appeal or matter, and
- (b) shall, if the Secretary of State so directs, hold a local inquiry in connection with the appeal or matter.

(4) Whether either sub-paragraph (2) or (3) above applies, the appointed person shall notify his decision that a hearing or a local inquiry, as the case may be, is to be held to the appellant and to any persons who notified the Secretary of State that they wished to make representations in accordance with regulation 15(5).

(5) Where an appointed person holds a local inquiry or other hearing by virtue of this Schedule, an assessor may be appointed by the Secretary of State to sit with the appointed person at the inquiry or hearing and advise him on any matters arising, notwithstanding that the appointed person is to determine the appeal or matter.

(6) Subject to regulation 15(9), the costs of the hearing or local inquiry held under this Schedule shall be defrayed by the Secretary of State.

5.—(1) Where under paragraph (2)(c) above the appointment of the appointed person is revoked in respect of any appeal or matter, the Secretary of State shall, unless she proposes to determine the appeal or matter herself, appoint another person under regulation 15(8) to determine the appeal or matter instead.

(2) Where such a new appointment is made, the consideration of the appeal or matter, or any local inquiry or other hearing in connection with it, shall be begun afresh.

(3) Nothing in sub-paragraph (2) above shall require any person to be given an opportunity of making fresh representations or modifying or withdrawing any representations already made.

Changes to legislation: *There are currently no known outstanding effects for the The Environmental Impact Assessment (Uncultivated Land and Semi-natural Areas) (England) Regulations 2001, SCHEDULE 4. (See end of Document for details)*

6.—(1) Anything done or omitted to be done by an appointed person in, or in connection with, the exercise or purported exercise of any function to which the appointment relates shall be treated for all purposes as done or omitted to be done by the Secretary of State.

(2) Sub-paragraph (1) above shall not apply—

- (a) for the purposes of so much of any contract made between the Secretary of State and the appointed person as relates to the exercise of the function; or
- (b) for the purposes of any criminal proceedings brought in respect of anything done or omitted to be done as mentioned in that sub-paragraph.

Changes to legislation:

There are currently no known outstanding effects for the The Environmental Impact Assessment (Uncultivated Land and Semi-natural Areas) (England) Regulations 2001, SCHEDULE 4.