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SCHEDULE

DETERMINATION OF APPEALS BY PERSON APPOINTED BY SECRETARY OF STATE

Local inquiries and hearings

6 (1) Whether or not the parties to an appeal have asked for an opportunity to appear and be heard, an appointed person—

(a) may hold a local inquiry in connection with the appeal; and

(b) shall do so if the Secretary of State so directs.

[[F1](1B) Sub-paragraph (1) does not apply in the case of an appeal to the Welsh Ministers, but an appointed person may hold a hearing or a local inquiry in connection with such an appeal pursuant to a determination under section 21B.**]**

(2) Where an appointed person—

(a) holds a hearing by virtue of paragraph 2(4) **[**[F2]or this paragraph**]**; or

(b) holds an inquiry by virtue of this paragraph,

an assessor may be appointed by the Secretary of State to sit with the appointed person at the hearing or inquiry to advise him on any matters arising, notwithstanding that the appointed person is to determine the appeal.

(3) Subject to sub-paragraph (4), the costs—

(a) of any hearing held by virtue of paragraph 2(4) **[**[F3]or this paragraph**]**; and

(b) of any inquiry held under this paragraph,

shall be defrayed by the Secretary of State.

(4) Section 250(2) to (5) of the [M1]Local Government Act 1972 (local inquiries: evidence and costs) applies to an inquiry held by virtue of this paragraph **[**[F4]in England**]** with the following adaptations—

(a) for the references in subsection (4) (recovery of costs of holding the inquiry) to the Minister causing the inquiry to be held there shall be substituted references to the Secretary of State; and

(b) for the reference in subsection (5) (orders as to the costs of the parties) to the Minister causing the inquiry to be held there shall be substituted a reference to the appointed person or the Secretary of State.

[[F5](4A) Subsections (2) and (3) of that section apply to an inquiry held under this paragraph in Wales.**]**

(5) Subject to sub-paragraph (6), at any **[**[F6]inquiry held by virtue of this paragraph**]** oral evidence shall be heard in public and documentary evidence shall be open to public inspection.

(6) If the Secretary of State is satisfied in the case of any such inquiry—

(a) that giving evidence of a particular description or, as the case may be, making it available for inspection would be likely to result in the disclosure of information as to any of the matters mentioned in sub-paragraph (7); and

(b) that the public disclosure of that information would be contrary to the national interest,

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he may direct that evidence of the description indicated in the direction shall only be heard or, as the case may be, open to inspection at that inquiry by such persons or persons of such descriptions as he may specify in that direction.

(7) The matters referred to in sub-paragraph (6)(a) are—

(a) national security; and

(b) the measures taken or to be taken to ensure the security of any premises or property.

[[F7](8) The appointed person or the Secretary of State has the same power to make orders under section 250(5) of the [M2]Local Government Act 1972 (orders with respect to costs of the parties) in relation to proceedings **[**[F8]in England**]** under this Schedule which do not give rise to an inquiry as he has in relation to such an inquiry.**]**

Textual Amendments

F1 Sch. para. 6(1B) inserted (11.11.2014) by The Town and Country Planning (Determination of Procedure) (Wales) Order 2014 (S.I. 2014/2773), art. 1(2), Sch. 1 para. 29(6)(a)

F2 Words in Sch. para. 6(2)(a) inserted (11.11.2014) by The Town and Country Planning (Determination of Procedure) (Wales) Order 2014 (S.I. 2014/2773), art. 1(2), **Sch. 1 para. 29(6)(b)**

F3 Words in Sch. para. 6(3)(a) inserted (11.11.2014) by The Town and Country Planning (Determination of Procedure) (Wales) Order 2014 (S.I. 2014/2773), art. 1(2), **Sch. 1 para. 29(6)(b)**

F4 Words in Sch. para. 6(4) inserted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 5 para. 26(a)**; S.I. 2016/52, art. 4(k) (with art. 17)

F5 Sch. para. 6(4A) inserted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 5 para. 26(b)**; S.I. 2016/52, art. 4(k) (with art. 17)

F6 Words in Sch. para. 6(5) substituted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 5 para. 26(c)**; S.I. 2016/52, art. 4(k) (with art. 17)

F7 Sch. para. 6(8) omitted (temp.) by virtue of Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 6, Sch. 4 paras. 1, **16** (which temp. omission falls (2.1.1992) for specified purposes only by virtue of S.I. 1991/2698, **arts. 3**, 4)

F8 Words in Sch. para. 6(8) inserted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 5 para. 26(d)**; S.I. 2016/52, art. 4(k) (with art. 17)

Modifications etc. (not altering text)

C1 Sch. para. 6(6) functions made exercisable concurrently or jointly with the Welsh Ministers by 2006 c. 32, Sch. 3A para. 1 (as inserted (1.4.2018) by Wales Act 2017 (c. 4), s. 71(4), **Sch. 4 para. 1** (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(p))

C2 Sch. para. 6(8): transitory modification by 1990 c. 11, Sch. 4 para. 16 falls (6.4.2009) for further specified purposes by virtue of S.I. 2009/849, art. 2 (with art. 3)

Commencement Information

I1 Sch. para. 6 wholly in force at 1.6.1992 see S.I. 1992/725, art. 3; Sch. para. 6 in force for certain purposes at 11.3.1992 see S.I. 1992/725, art. 2

Marginal Citations

M1 1972 c. 70.

M2 1972 c. 70.

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Changes and effects yet to be applied to :

- Sch. para. 6(2)(a) words inserted by 2008 c. 29 Sch. 10 para. 30(7)
- Sch. para. 6(3)(a) words inserted by 2008 c. 29 Sch. 10 para. 30(7)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 3(4A) inserted by 2023 c. 55 Sch. 17 para. 4(b)
- s. 9(2)(ca) inserted by 2023 c. 55 Sch. 6 para. 14
- s. 12(2C) inserted by 2024 asc 3 Sch. 3 para. 5(4)
- s. 20(4A) inserted by 2008 c. 29 Sch. 10 para. 26
- s. 21(5A) inserted by 2008 c. 29 Sch. 10 para. 27
- s. 37(3) inserted by 2008 c. 29 Sch. 10 para. 29
- Sch. para. 2(4A) inserted by 2008 c. 29 Sch. 10 para. 30(2)
- Sch. para. 2(9) inserted by 2008 c. 29 Sch. 10 para. 30(3)
- Sch. para. 3(4A)(4B) inserted by 2008 c. 29 Sch. 10 para. 30(4)
- Sch. para. 6(1A) inserted by 2008 c. 29 Sch. 10 para. 30(6)