

SCHEDULES

SCHEDULE 13

INFRASTRUCTURE PLANNING COMMISSION: TRANSFER OF FUNCTIONS TO SECRETARY OF STATE

PART 1

AMENDMENTS OF THE PLANNING ACT 2008

Examination of applications

42 After section 95 insert—

“95A Hearings: defence and national security

- (1) Subsection (2) applies if the Secretary of State is satisfied that if all or part of the Examining Authority’s examination of the application takes the form of a meeting or hearing—
 - (a) the making of particular oral representations at such a meeting or hearing would be likely to result in the disclosure of information as to defence or national security, and
 - (b) the public disclosure of that information would be contrary to the national interest.
- (2) The Secretary of State may direct that representations of a description specified in the direction may be made only to persons of a description so specified (instead of being made in public).
- (3) If the Secretary of State gives a direction under subsection (2), the Attorney General or (where the representations are to be made in Scotland) the Advocate General for Scotland may appoint a person (an “appointed representative”) to represent the interests of an interested party who (by virtue of the direction) is prevented from being present when the representations are made.
- (4) Rules under section 97 may (in particular) make provision as to the functions of an appointed representative.
- (5) The Secretary of State may direct a person (a “responsible person”) to pay the fees and expenses of an appointed representative if the Secretary of State thinks that the responsible person is interested in a meeting or hearing in relation to any representations that are the subject of a direction under subsection (2).
- (6) Subsections (7) and (8) apply if the Secretary of State gives a direction under subsection (5).

Status: This is the original version (as it was originally enacted).

- (7) If the appointed representative and the responsible person are unable to agree the amount of the fees and expenses, the amount must be determined by the Secretary of State.
- (8) The Secretary of State must cause the amount agreed between the appointed representative and the responsible person, or determined by the Secretary of State, to be certified.
- (9) An amount so certified is recoverable from the responsible person as a civil debt.
- (10) In this section “representations” includes evidence.”