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).

(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."