



2011 CHAPTER 25

Part 14

Miscellaneous and general provisions

Inquiries

Directions: Secretary of State

233.—(1) If the Secretary of State is considering giving a direction under section 232(2), the Advocate General for Northern Ireland may appoint a person to represent the interests of any person who will be prevented from hearing or inspecting any evidence at any inquiry or examination if the direction is given.

(2) If before the Secretary of State gives a direction under section 232(2) no person is appointed under subsection (1), the Advocate General for Northern Ireland may at any time appoint a person as mentioned in subsection (1) for the purposes of the inquiry or examination.

(3) The Lord Chancellor may by rules make provision—

- (a) as to the procedure to be followed by the Secretary of State before a direction is given under section 232(2) in a case where a person has been appointed under subsection (1);
- (b) as to the functions of a person appointed under subsection (1) or (2).

(4) Rules made under subsection (3) shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 (c. 36) shall apply accordingly.

Changes to legislation: There are currently no known outstanding effects for the Planning Act (Northern Ireland) 2011, Section 233. (See end of Document for details)

(5) If a person is appointed under subsection (1) or (2) (the appointed representative) the Secretary of State may direct any person who the Secretary of State thinks is interested in the inquiry or examination in relation to a matter mentioned in section 232(3) (the responsible person) to pay the fees and expenses of the appointed representative.

(6) If the appointed representative and the responsible person are unable to agree the amount of the fees and expenses, the amount shall be determined by the Secretary of State.

(7) The Secretary of State shall cause the amount agreed between the appointed representative and the responsible person or determined by the Secretary of State to be certified.

(8) An amount so certified is recoverable from the responsible person as a civil debt.

Modifications etc. (not altering text)

- C1** Ss. 228-235: transfer of functions (8.5.2016) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), [Sch. 5 Pt. 2](#) (with art. 9(2))
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Commencement Information

- I1** S. 233 in operation at 13.2.2015 for specified purposes by [S.R. 2015/49](#), art. 2, [Sch. 1](#)
- I2** S. 233 in operation at 1.4.2015 in so far as not already in operation by [S.R. 2015/49](#), art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

Changes to legislation:

There are currently no known outstanding effects for the Planning Act (Northern Ireland) 2011, Section 233.