

Status: Point in time view as at 30/01/2001.

Changes to legislation: Wildlife and Countryside Act 1981, SCHEDULE 10A is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

[^{F1}SCHEDULE 10A

DELEGATION OF APPELLATE FUNCTIONS

Textual Amendments

F1 Sch. 10A inserted (30.1.2001) by 2000 c. 37, ss. 75(1), 103(2), Sch. 9 para. 7

Interpretation

- 1 In this Schedule—
- “appointed person” means a person appointed under section 28F(8) or 28L(10); and
 - “appointment”, in the case of any appointed person, means appointment under either of those provisions.

Appointments

- 2 An appointment under section 28F(8) or 28L(10) 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.

Powers of appointed person

- 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, other than—
- (a) any function of making regulations;
 - (b) any function of holding an inquiry or other hearing or of causing an inquiry or other hearing to be held; or
 - (c) any function of appointing a person for the purpose—
 - (i) of enabling persons to appear before and be heard by the person so appointed, or
 - (ii) of referring any question or matter to that person.

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Holding of local inquiries and other hearings by appointed persons

- 4 (1) If either of the parties to an appeal or matter expresses a wish to appear before and be heard by the appointed person, the appointed person shall give both of them an opportunity of appearing and being heard.
- (2) Whether or not a party to an appeal or matter 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.
- (3) 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.
- (4) Subject to section 28F(10) or 28L(12), the costs of a local inquiry held under this Schedule shall be defrayed by the Secretary of State.

Revocation of appointments and making of new appointments

- 5 (1) Where under paragraph 2(c) the appointment of the appointed person is revoked in respect of any appeal or matter, the Secretary of State shall, unless he proposes to determine the appeal or matter himself, appoint another person under section 28F(8) or 28L(10) to determine the appeal or matter instead.
- (2) Where such a new appointment is made, the consideration of the appeal or matter, or any hearing in connection with it, shall be begun afresh.
- (3) Nothing in sub-paragraph (2) shall require any person to be given an opportunity of making fresh representations or modifying or withdrawing any representations already made.

*Certain acts and omissions of appointed persons
to be treated as those of the Secretary of State*

- 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) 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.]

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