



# Energy Act 2004

## 2004 CHAPTER 20

### PART 3

#### ENERGY REGULATION

### CHAPTER 4

#### FURTHER PROVISIONS ABOUT REGULATION

#### *Inquiries under ss. 36 and 37 of the 1989 Act*

#### **182 Additional inspectors**

- (1) In Schedule 8 to the 1989 Act (procedure for consents under sections 36 and 37 relating to the installation of generating stations and electric lines), after paragraph 5 insert—

#### **“Additional inspectors**

- 5A (1) This paragraph applies in the case of—
- (a) a public inquiry in England and Wales by virtue of paragraph 2(2) or 3(2); or
  - (b) a public inquiry in England and Wales which is a combination under section 62 of this Act into one inquiry—
    - (i) of two or more such inquiries; or
    - (ii) of one or more such inquiries and one or more other inquiries.
- (2) At any time after appointing a person to hold the inquiry (“the lead inspector”), the Secretary of State may direct him—
- (a) to consider such matters relating to the conduct of the inquiry as are specified in the direction; and

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**Changes to legislation:** Energy Act 2004, Cross Heading: Inquiries under ss. 36 and 37 of the 1989 Act is up to date with all changes known to be in force on or before 23 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) View outstanding changes

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- (b) to make recommendations to the Secretary of State about those matters.
  - (3) After considering the recommendations of the lead inspector, the Secretary of State may—
    - (a) appoint for the purposes of the inquiry such number of additional inspectors as he thinks appropriate; and
    - (b) direct that each additional inspector must consider such of the matters to which the inquiry relates as are allocated to him by the lead inspector.
  - (4) An additional inspector must—
    - (a) comply with every direction as to procedural matters given to him by the lead inspector; and
    - (b) report to the lead inspector on every matter allocated to him.
  - (5) It is to be for the lead inspector to report to the Secretary of State on the consideration of both—
    - (a) the matters which he considered himself; and
    - (b) the matters the consideration of which was allocated to additional inspectors.
  - (6) The power of the Secretary of State to give directions to the lead inspector may be exercised on one or more different occasions after the appointment of the lead inspector.
  - (7) Accordingly—
    - (a) the recommendations that may be made by the lead inspector following such a direction include, in particular, a recommendation for varying the number of additional inspectors; and
    - (b) the power of the Secretary of State to appoint an additional inspector includes power to revoke such an appointment.
  - (8) A direction by any person under this paragraph may be varied or revoked by a subsequent direction by that person.”
- (2) This section does not extend to Scotland.

**Modifications etc. (not altering text)**

**C1** Ss. 171-196 power to apply (with modifications) conferred (26.10.2023) by [Energy Act 2023 \(c. 52\)](#), s. 334(2)(l), [Sch. 18 para. 50](#)

**Commencement Information**

**II** S. 182 in force at 6.4.2007 by [S.I. 2007/1091](#), [art. 2\(a\)](#)

**Changes to legislation:**

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**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. 137(3)(c)-(e) inserted by [2011 c. 16 s. 117\(b\)](#)
- s. 173(2C) inserted by [2023 c. 52 Sch. 14 para. 10](#)
- Sch. 22 para. 4(1A) inserted by [2023 c. 52 Sch. 14 para. 11\(2\)\(b\)](#)