

Changes to legislation: Energy Act 2004, Cross Heading: Public inquiries is up to date with all changes known to be in force on or before 20 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

SCHEDULES

SCHEDULE 16

APPLICATIONS AND PROPOSALS FOR NOTICES UNDER SECTION 95

Modifications etc. (not altering text)

- C1** Sch. 16 modified in part (1.4.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), ss. **13(5)(6)**, 324(3); S.I. 2010/298, art. 2, Sch. para. 5 (with art. 4(2))

Public inquiries

- 6 (1) This paragraph applies where a public inquiry is to be held.
- (2) In the case of an inquiry to be held in respect of an application—
- (a) the [F1appropriate Minister] must inform the applicant that it is to be held; and
 - (b) the applicant must, in two successive weeks, publish a notice in one or more local newspapers circulating in one or more areas determined in accordance with regulations made by the [F1appropriate Minister].
- (3) In the case of an inquiry in respect of a proposal of the [F1appropriate Minister], he must publish a notice in such manner as he considers appropriate for bringing the inquiry to the attention of persons likely to be affected by the proposal.
- (4) A notice that is published under sub-paragraph (2) or (3) must contain—
- (a) a statement of the fact that the application or proposal has been made; and
 - (b) a description of the application or proposal.
- (5) The notice must also set out—
- (a) a place where a copy of the application or proposal, and of the map referred to in it, can be inspected; and
 - (b) the place, date and time of the public inquiry.
- (6) The place set out in accordance with sub-paragraph (5)(a) in the case of an inquiry in respect of an application for a safety zone notice must be the place determined in accordance with regulations made by the [F1appropriate Minister].
- (7) If it appears to the [F1appropriate Minister], in the case of an inquiry in respect of such an application, that further notification of the inquiry should be given (in addition to the published notice) in order to secure that the matters set out in the published notice are sufficiently made known to persons who are likely to be affected by the application—
- (a) the [F1appropriate Minister] may direct the applicant to take such further steps for that purpose (whether by the service of notices, advertisement or otherwise) as may be specified in the direction; and

Changes to legislation: Energy Act 2004, Cross Heading: Public inquiries is up to date with all changes known to be in force on or before 20 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

- (b) that person must comply with the direction.
- (8) If it appears to the [^{F1}appropriate Minister], in the case of an inquiry in respect of a proposal of his, that further notification of the inquiry should be given (in addition to the published notice) in order to secure that the matters set out in the published notice are sufficiently made known to persons who are likely to be affected by the proposal, he must take such further steps for that purpose (whether by the service of notices, advertisement or otherwise) as he considers appropriate.
- (9) The following provisions—
- (a) subsections (2) to (5) of section 250 of the Local Government Act 1972 (c. 70) (which relates to evidence at inquiries and the costs of inquiries), and
 - (b) subsections (2) to (8) of section 210 of the Local Government (Scotland) Act 1973 (c. 65) (which makes similar provision for Scotland),
- shall apply in relation to a public inquiry held under this Schedule as they apply in relation to a local inquiry which a Minister causes to be held under subsection (1) of that section.
- (10) For the purposes of this paragraph a public inquiry under sub-paragraph (6) of paragraph 5 in a case where that paragraph applies by virtue of sub-paragraph (1) (b) of that paragraph—
- (a) is a public inquiry in respect of a proposal of the [^{F1}appropriate Minister]; and
 - (b) is not a public inquiry in respect of an application.

Textual Amendments

F1 Words in Sch. 16 substituted (1.4.2017) by [Scotland Act 2016 \(c. 11\)](#), ss. **62(18)**, 72(4)(e); S.I. 2017/300, reg. 3

Commencement Information

I1 Sch. 16 para. 6 in force at 1.10.2005 by S.I. 2005/877, art. 2(2), [Sch. 2](#)

Changes to legislation:

Energy Act 2004, Cross Heading: Public inquiries is up to date with all changes known to be in force on or before 20 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.

[View outstanding changes](#)

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\(2\)\(b\)](#)