

Changes to legislation: Localism Act 2011, Cross Heading: Examination of applications is up to date with all changes known to be in force on or before 19 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 13

INFRASTRUCTURE PLANNING COMMISSION: TRANSFER OF FUNCTIONS TO SECRETARY OF STATE

PART 1

AMENDMENTS OF THE PLANNING ACT 2008

Examination of applications

- 37 In section 86 (Chapter applies to examination by Panel or single Commissioner), and in its heading, for “Commissioner” (in each place) substitute “appointed person”.

Commencement Information

I1 Sch. 13 para. 37 in force at 1.4.2012 by S.I. 2012/628, art. 7(a)

- 38 Omit section 87(2)(b) (Examining authority to have regard to guidance given by Secretary of State or Commission).

Commencement Information

I2 Sch. 13 para. 38 in force at 1.4.2012 by S.I. 2012/628, art. 7(a)

- 39 In section 92 (notifying Commission that compulsory acquisition hearing wanted) for “Commission” (in each place) substitute “Secretary of State”.

Commencement Information

I3 Sch. 13 para. 39 in force at 1.4.2012 by S.I. 2012/628, art. 7(a)

- 40 In section 93 (notifying Commission that open-floor hearing wanted) for “Commission” (in both places) substitute “Secretary of State”.

Commencement Information

I4 Sch. 13 para. 40 in force at 1.4.2012 by S.I. 2012/628, art. 7(a)

- 41 In section 94(2)(b) (Panel member or single Commissioner to preside over hearing) for “Commissioner” substitute “appointed person”.

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Commencement Information

I5 Sch. 13 para. 41 in force at 1.4.2012 by S.I. 2012/628, art. 7(a)

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.”

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Commencement Information

I6 Sch. 13 para. 42 in force at 15.1.2012 for specified purposes by S.I. 2012/57, art. 2(a)

I7 Sch. 13 para. 42 in force at 1.4.2012 in so far as not already in force by S.I. 2012/628, art. 7(a)

- 43 In section 96(1)(c) (which refers to representations received by the Commission) for “Commission” substitute “ Secretary of State ”.

Commencement Information

I8 Sch. 13 para. 43 in force at 1.4.2012 by S.I. 2012/628, art. 7(a)

- 44 (1) Amend section 98 (timetable for examining, and reporting on, application) as follows.
- (2) In subsection (3) (deadline for making report to Secretary of State) for the words from the beginning to “its report” substitute “ The Examining authority is under a duty to make its report under section 74(2)(b) or 83(1)(b) ”.
- (3) In subsection (4) (Commission chair may extend deadlines under the section) for “person appointed to chair the Commission” substitute “ Secretary of State ”.
- (4) For subsection (6) (extensions of deadlines to be reported to Secretary of State and in Commission's annual report) substitute—
- “(6) Subsections (7) and (8) apply where the power under subsection (4) is exercised.
- (7) The Secretary of State must—
- (a) notify each interested party of the new deadline, and
- (b) publicise the new deadline in such manner as the Secretary of State thinks appropriate.
- (8) The Secretary of State exercising the power must make a statement, to the House of Parliament of which that Secretary of State is a member, announcing the new deadline.
- (9) A statement under subsection (8) may be written or oral.”

Commencement Information

I9 Sch. 13 para. 44 in force at 1.4.2012 by S.I. 2012/628, art. 7(a)

- 45 (1) Amend section 100 (Commission chair may appoint assessors at request of Examining authority) as follows.
- (2) In subsection (1) for “person appointed to chair the Commission (“the chair”)” substitute “ Secretary of State ”.
- (3) In subsection (2) for “chair” substitute “ Secretary of State ”.

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Commencement Information

I10 Sch. 13 para. 45 in force at 1.4.2012 by S.I. 2012/628, art. 7(a)

- 46 In section 101(1) (Commission chair may appoint lawyer to assist Examining authority) for “person appointed to chair the Commission” substitute “ Secretary of State ”.

Commencement Information

I11 Sch. 13 para. 46 in force at 1.4.2012 by S.I. 2012/628, art. 7(a)

- 47 In section 102(4) (meaning of “relevant representation”) for “Commission” (in each place) substitute “ Secretary of State ”.

Commencement Information

I12 Sch. 13 para. 47 in force at 1.4.2012 by S.I. 2012/628, art. 7(a)

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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. 158(8)-(9B) substituted for s. 158(8)(9) by [2016 c. 22 s. 121\(2\)\(e\)](#)
- s. 202(3A) inserted by [2023 c. 55 s. 176\(2\)](#)