



Infrastructure (Wales) Act 2024

2024 asc 3

PART 4

EXAMINING APPLICATIONS

Examining applications

44 Examination procedure

- (1) Regulations may make provision about the procedure to be followed in connection with the examination of an application under this Part (whether it is examined at a local inquiry, at a hearing or on the basis of the application and any representations in writing (if any) about the application).
- (2) The regulations may include provision about—
 - (a) the procedure to be followed in connection with a decision under section 42;
 - (b) the procedure to be followed in connection with a requirement under section 43;
 - (c) the procedure to be followed in connection with matters preparatory or subsequent to an inquiry or hearing or to the making of representations in writing;
 - (d) the conduct of the examination.
- (3) The regulations may include provision about the procedure to be followed—
 - (a) where steps have been taken with a view to the holding of an inquiry or hearing which does not take place,
 - (b) where steps have been taken with a view to deciding any matter by an examining authority and the proceedings are the subject of a direction that the matter must instead be decided by the Welsh Ministers,
 - (c) where steps have been taken with a view to deciding any matter by the Welsh Ministers and the proceedings are the subject of a direction that the matter must instead be decided by the examining authority, or

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(d) where steps have been taken in pursuance of a direction mentioned in paragraph (b) or (c) and a further direction is made revoking that direction, and may provide that such steps are to be treated as compliance, in whole or in part, with the requirements of the regulations.

(4) The regulations may—

- (a) specify a time limit within which any party to proceedings must submit representations in writing and any supporting documents;
- (b) enable the examining authority to extend the time limit in a particular case;
- (c) enable the examining authority to make a report under section 52 taking into account only the representations in writing and supporting documents as were submitted within the time limit;
- (d) enable the examining authority or the Welsh Ministers (as the case may be) to proceed to a decision taking into account only the representations in writing and supporting documents as were submitted within the time limit;
- (e) enable the examining authority after giving the parties notice in writing of their intention to do so, to make a report under section 52 even though no representations in writing were submitted within the time limit, if it appears to it that it has sufficient material before it to make a recommendation on the merits of the application;
- (f) enable the examining authority or the Welsh Ministers (as the case may be), after giving the parties written notice of its or their intention to do so, to proceed to a decision even though no representations in writing were submitted within the time limit, if it appears to it or them that it has or they have sufficient material before it or them to reach a decision on the merits of the application;
- (g) make provision about the location of proceedings at a hearing or local inquiry;
- (h) make provision about the conduct of proceedings at a hearing or local inquiry wholly or partly by means of equipment or other facility that enables persons who are not in the same place to attend the hearing or local inquiry and participate in it;
- (i) make provision about broadcasting or recording the proceedings at a hearing or local inquiry.