



# Infrastructure (Wales) Act 2024

2024 asc 3

## PART 4

### EXAMINING APPLICATIONS

#### *Examining applications*

#### **48 Access to evidence at inquiry**

- (1) At a local inquiry held under section 47—
  - (a) oral evidence must be heard in public, and
  - (b) documentary evidence must be available to the public for inspection.
- (2) But if a ministerial authority is satisfied that both of the conditions in subsection (3) are met in relation to such an inquiry, it may direct the examining authority conducting the inquiry that evidence of a kind specified in the direction is to be heard or available for inspection at that inquiry only by persons who are specified in the direction or of a kind specified in it.
- (3) The conditions are—
  - (a) that giving evidence of a particular description in public or making it available for public inspection would be likely to result in the disclosure of information about—
    - (i) national security, or
    - (ii) measures taken or to be taken to ensure the security of any land or other property, and
  - (b) that the public disclosure of the information would be against the national interest.
- (4) If a ministerial authority is considering giving a direction under this section, the Counsel General may appoint a person (“an appointed representative”) to represent the interests of any person who will be prevented from hearing or inspecting any evidence at a local inquiry if the direction is given.

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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- (5) If there is no appointed representative when a ministerial authority gives a direction under this section, the Counsel General may at any time appoint a person as an appointed representative for the purposes of the inquiry.
- (6) Regulations may make provision about—
- (a) the procedure to be followed by a ministerial authority before it gives a direction under this section in a case where there is an appointed representative;
  - (b) the functions of an appointed representative.
- (7) In this section and section 49, “ministerial authority” means the Welsh Ministers or the Secretary of State.