

Status: Point in time view as at 05/12/2017.

Changes to legislation: Highways Act 1980, Schedule 12ZA is up to date with all changes known to be in force on or before 07 August 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)

SCHEDULES

[^{F1}SCHEDULE 12ZA

DELEGATION OF FUNCTION OF MAKING DETERMINATION

Textual Amendments

- F1** Sch. 12ZA inserted (12.2.2003 and 21.5.2007 for E. for certain purposes, 31.5.2005 for W. and otherwise *prosp.*) by 2000 c. 37, ss. 57, 103(3), Sch. 6 Pt. I. para. 24; S.I. 2003/272, art. 2(a)(q); S.I. 2005/1314, art. 2(b)(vii); S.I. 2007/1493, art. 2

Interpretation

- 1 In this Schedule—
- “appointed person” means a person appointed under section 121(5B) of this Act;
 - “appropriate Minister” has the same meaning as in section 121(5) of this Act;
 - “appointment”, in the case of any appointed person, means appointment under section 121(5B) of this Act.

Appointments

- 2 An appointment under section 121(5B) of this Act must be in writing and—
- (a) may relate to a particular question specified in the appointment or to questions of a description so specified,
 - (b) may provide for any function to which it relates to be exercisable by the appointed person either unconditionally or subject to the fulfilment of such conditions as may be specified in the appointment, and
 - (c) may, by notice in writing given to the appointed person, be revoked at any time by the appropriate Minister in respect of any question which has not been determined by the appointed person before that time.

Powers of appointed person

- 3 Subject to the provisions of this Schedule, an appointed person shall, in relation to the determination of any question to which his appointment relates, have the same powers and duties as the appropriate Minister, other than—
- (a) any function of holding an inquiry or other hearing or of causing an inquiry or other hearing to be held; or
 - (b) any function of appointing a person for the purpose—
 - (i) of enabling persons to appear before and be heard by the person so appointed; or
 - (ii) of referring any question or matter to that person.

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Holding of inquiries and other hearings by appointed persons

- 4 (1) If either of the following persons—
- (a) the statutory undertakers to which the question relates, and
 - (b) in the case of an order to be made on an application under section 118ZA, 118C, 119ZA or 119C of this Act, the person who made the application,
- express a wish to appear before and be heard by the appointed person, the appointed person shall give them an opportunity of appearing and being heard.
- (2) Whether or not sub-paragraph (1) above applies, the appointed person—
- (a) may hold an inquiry or other hearing in connection with the determination of the question, and
 - (b) shall, if the appropriate Minister so directs, hold an inquiry in connection with that determination.
- (3) Where an appointed person holds an inquiry or other hearing by virtue of this Schedule, an assessor may be appointed by the appropriate Minister to sit with the appointed person at the inquiry or hearing and advise him on any matters arising, notwithstanding that the appointed person is to determine the question.
- (4) Subject to paragraph 7 below, the costs of an inquiry or other hearing held under this Schedule shall be defrayed by the appropriate Minister.

Revocation of appointments and making of new appointments

- 5 (1) Where under paragraph 2(c) above the appointment of the appointed person is revoked in respect of any question, the appropriate Minister shall, unless he proposes to determine the question himself, appoint another person under section 121(5B) of this Act to determine the question instead.
- (2) Where such a new appointment is made, the consideration of the question, or any hearing in connection with it, shall be begun afresh.
- (3) Nothing in sub-paragraph (2) above shall require any person to be given an opportunity of making fresh representations or modifying or withdrawing any representations already made.

Certain acts and omissions of appointed person to be treated as those of appropriate Minister

- 6 (1) Anything done or omitted to be done by an appointed person in, or in connection with, the exercise or purported exercise of any function to which the appointment relates shall be treated for all purposes as done or omitted to be done by the appropriate Minister.
- (2) Sub-paragraph (1) above does not apply—
- (a) for the purposes of so much of any contract made between the appropriate Minister and the appointed person as relates to the exercise of the function, or
 - (b) for the purposes of any criminal proceedings brought in respect of anything done or omitted to be done as mentioned in that sub-paragraph.

Local inquiries and hearings: evidence and costs

- 7 Subsections (2) to (5) of section 250 of the ^{M1}Local Government Act 1972 (local inquiries: evidence and costs) shall apply to local inquiries or other hearings held

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under this Schedule by an appointed person as they apply to inquiries caused to be held under that section by a Minister, but as if—

- (a) in subsection (2) (evidence) the reference to the person appointed to hold the inquiry were a reference to the appointed person,
- (b) in subsection (4) (recovery of costs of holding inquiry) references to the Minister causing the inquiry to be held were references to the appropriate Minister, and
- (c) in subsection (5) (orders as to the costs of the parties) the reference to the Minister causing the inquiry to be held were a reference to the appointed person or the appropriate Minister.]

Marginal Citations

M1 1972 c. 70.

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