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**Changes to legislation:** There are currently no known outstanding effects for the Planning (Hazardous Substances) (Scotland) Act 1997, Cross Heading: Powers and duties of appointed person. (See end of Document for details)

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## SCHEDULE **S**

### DETERMINATION OF CERTAIN APPEALS BY PERSON APPOINTED BY SECRETARY OF STATE

#### *Powers and duties of appointed person*

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- (1) An appointed person shall have the same powers and duties as the Secretary of State has under section 19(5), (7) and (9).
  - (2) Subsection (6) of that section shall not apply to an appeal which falls to be determined by an appointed person, but before it is determined the Secretary of State shall ask the appellants and the planning authority whether they wish to appear before and be heard by the appointed person.
  - (3) If both the parties express a wish not to appear and be heard, the appeal may be determined without their being heard.
  - (4) If either of the parties expresses a wish to appear and be heard, the appointed person shall give them both an opportunity of doing so.
  - (5) Where an appeal has been determined by an appointed person, his decision shall be treated as that of the Secretary of State.
  - (6) Except as provided by section 20, the decision of an appointed person on an appeal shall be final.

**Changes to legislation:**

There are currently no known outstanding effects for the Planning (Hazardous Substances) (Scotland) Act 1997, Cross Heading: Powers and duties of appointed person.