

SCHEDULE 6

Appeals to the appropriate authority

Hearing before an appointed person

5.—(1) Before determining an appeal the appropriate authority may give the appellant and the regulator an opportunity of appearing before and being heard by a person appointed by the appropriate authority, and must do so in a case where a request is duly made by the appellant or the regulator to be so heard.

(2) If the appointed person so decides, a hearing may be held wholly or to any extent in private.

(3) The persons entitled to be heard at a hearing are—

(a) the appellant,

(b) the regulator, and

(c) a person who has made representations to the regulator in respect of the subject matter of the appeal within the period mentioned in paragraph 4(2)(b).

(4) The appointed person may permit other persons to be heard and such permission must not be unreasonably withheld.

(5) After the hearing, the appointed person must make a report in writing to the appropriate authority which must include the appointed person's—

(a) conclusions, and

(b) recommendations or reasons for not making recommendations.

(6) Subsections (2) to (5) of section 250 of the Local Government Act 1972 ^{M1} apply to hearings held under this paragraph by an appointed person as they apply to inquiries caused to be held under that section by a Minister with the following modifications—

(a) the substitution in subsection (2) for the reference to the person appointed to hold the inquiry with a reference to the appointed person;

(b) the substitution in subsection (4) for the references to the Minister causing the inquiry to be held with references to the appropriate authority;

(c) the substitution of the reference in that subsection to a local authority with a reference to the regulator;

(d) the substitution in subsection (5) for the reference to the Minister causing the inquiry to be held with a reference to the appropriate authority.

Marginal Citations

M1 1972 c. 70; section 250 was amended by sections 37, 38 and 46 of the Criminal Justice Act 1982 (c. 48), Part 3 of Schedule 12 to the Housing and Planning Act 1986 (c. 63) and the Statute Law Repeals Act 1989 (c. 43).

Status:

Point in time view as at 01/01/2017. This version of this provision has been superseded.

Changes to legislation:

The Environmental Permitting (England and Wales) Regulations 2016, Paragraph 5 is up to date with all changes known to be in force on or before 11 June 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.