

Status: Point in time view as at 06/04/2017.

Changes to legislation: Housing and Regeneration Act 2008, Cross Heading: Duty to give opportunity to appear is up to date with all changes known to be in force on or before 17 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. (See end of Document for details)

SCHEDULES

SCHEDULE 4

POWERS IN RELATION TO, AND FOR, STATUTORY UNDERTAKERS

Modifications etc. (not altering text)

- C1** Sch. 4 applied (with modifications) by 1999 c. 29, s. 333ZB(3)(4) (as inserted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 187(3)**, 240(2); S.I. 2012/57, art. 4(1)(w) (with arts. 6, 7, 9-11))
- C1** Sch. 4 applied (with modifications) (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 208(4)(5)**, 240(1)(l)
- C1** Schs. 2-4 applied (with modifications) (17.3.2017) by [The Liverpool City Region Combined Authority \(Functions and Amendment\) Order 2017 \(S.I. 2017/430\)](#), arts. 1(2), 9(3), **Sch. 3 Pt. 2**

PART 3

EXTENSION OR MODIFICATION OF FUNCTIONS OF UNDERTAKERS

Duty to give opportunity to appear

- 23 (1) The Secretary of State and the appropriate Minister must, before making a final decision, give the objector an opportunity to appear before, and be heard by, a person appointed for the purpose by the Secretary of State and the appropriate Minister.
- (2) The Secretary of State and the appropriate Minister must give an opportunity of appearing and being heard on the same occasion to—
- (a) the statutory undertakers or (as the case may be) the HCA as a result of whose representations the order is proposed to be made, and
 - (b) any other persons whom the Secretary of State and the appropriate Minister consider ought to be given the opportunity,
- if the objector takes advantage of the opportunity mentioned in sub-paragraph (1).
- (3) Sub-paragraphs (1) and (2) do not apply so far as the Secretary of State and the appropriate Minister have the power to proceed under paragraph 24 or 25.

Commencement Information

- I1** Sch. 4 para. 23 in force at 1.12.2008 by [S.I. 2008/3068](#), **art. 2(1)(g)** (with arts. 6-13)

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