

Planning Inquiries (Attendance of Public) Act 1982

1982 CHAPTER 21

An Act to require that evidence at planning inquiries held under the Town and Country Planning Act 1971 be given in public, subject to certain exceptions.

[28th June 1982]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Planning inquiries to be held in public, subject to certain exceptions.

1.—(1) Subject to subsection (2) below, at any planning inquiry oral evidence shall be heard in public and documentary evidence shall be open to public inspection.

(2) Subject to subsection (3) below, the Secretary of State may, in the case of any planning inquiry, direct that evidence of any description indicated in the direction shall not be heard or (as the case may be) open to inspection at that inquiry by anyone other than such persons or persons of such descriptions as he may specify in that direction.

(3) The Secretary of State may give a direction under subsection (2) above only if he is satisfied—

(*a*) that giving evidence of the description indicated or (as the case may be) making it available for inspection would be likely to result in the disclosure of information as to any of the matters mentioned in subsection (4) below; and

(*b*) that the public disclosure of that information would be contrary to the national interest.

(4) The matters referred to in subsection (3)(*a*) above are—

(*a*) national security; and

(*b*) the measures taken or to be taken to ensure the security of any premises or property.

(5) In this section "planning inquiry" means any local inquiry held under—

1971 c. 78.

(*a*) section 49(3) of the Town and Country Planning Act 1971 (inquiry held by a Planning Inquiry Commission);

(*b*) section 282(1) of that Act (inquiry held for purpose of discharging functions of Secretary of State); or

(*c*) paragraph 5 of Schedule 9 to that Act (inquiry held by person appointed by Secretary of State to determine appeal).

Short title and extent.

2.—(1) This Act may be cited as the Planning Inquiries (Attendance of Public) Act 1982.

(2) This Act extends to England and Wales only.