

SCHEDULE 6 (introduced by sections 10(5), 17(6), 20(3)
and 27(4))

PROCEEDINGS UNDER PART 2

Evidence at local inquiries

- 1 (1) A person appointed to hold a local inquiry under Part 2 of this Act may by summons require any person—
 - (a) to attend the inquiry, at a time and place stated in the summons, and to give evidence, or
 - (b) to produce any documents in the person’s possession or under the person’s control which relate to any matter in question at the inquiry.
- (2) The person appointed to hold the inquiry may take evidence on oath, and for that purpose may administer oaths.
- (3) A summons under this paragraph does not require a person to attend the inquiry unless the person’s necessary expenses of attending are paid or offered to the person.
- (4) A person may not be required under this paragraph to produce the title (or any instrument relating to the title) of any land which does not belong to a local authority.

Offence relating to failure to comply with summons under paragraph 1

- 2 (1) It is an offence for a person to—
 - (a) refuse or deliberately fail to comply with a requirement of a summons under paragraph 1, or
 - (b) deliberately alter, suppress, conceal or destroy a document the person is required, or is liable to be required, to produce under that paragraph.
- (2) A person guilty of an offence under sub-paragraph (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale or imprisonment for a term not exceeding the maximum term for summary offences, or both.
- (3) In sub-paragraph (2) “the maximum term for summary offences” means—
 - (a) in relation to an offence committed before section 281(5) of the [Criminal Justice Act 2003 \(c. 44\)](#) comes into force, 6 months;
 - (b) in relation to an offence committed after it comes into force, 51 weeks.

Costs of certain proceedings under this Part

- 3 (1) This paragraph applies in relation to the following proceedings—
 - (a) a review by the Welsh Ministers under section 9 (reviews of decisions to add monument to the schedule etc.);
 - (b) a local inquiry or hearing, or an opportunity to make written representations, under section 17 (determining applications for scheduled monument consent);
 - (c) a local inquiry or hearing under Part 2 of Schedule 4 (proposed modification or revocation of scheduled monument consent).

Status: This is the original version (as it was originally enacted).

- (2) The Welsh Ministers may direct that the costs incurred by them in relation to the proceedings (including the costs of any person appointed by them to hold the proceedings) must be paid by any party to the proceedings specified in the direction.
- (3) The amount of the costs incurred and directed to be paid as mentioned in sub-paragraph (2) may be recovered by the Welsh Ministers summarily as a civil debt.
- (4) The Welsh Ministers may, in relation to the proceedings, make orders about—
 - (a) the costs of the parties to the proceedings, and
 - (b) the party or parties who must pay the costs.
- (5) Costs payable by virtue of sub-paragraph (4) may be recovered as if they were payable under an order of the High Court, if the High Court so orders on the application of the person to whom the costs are due.
- (6) The Welsh Ministers may not make an order under sub-paragraph (4) requiring a person to pay the costs of another party to the proceedings unless they are satisfied that—
 - (a) the person has behaved unreasonably in relation to the proceedings, and
 - (b) the person's unreasonable behaviour has caused the other party to incur unnecessary or wasted expenditure.
- (7) References in this paragraph to costs incurred by the Welsh Ministers include—
 - (a) the entire administrative cost incurred by them in connection with the proceedings, including in particular a reasonable amount that they determine in respect of general staff costs and overheads of the Welsh Government;
 - (b) costs incurred by them (or by persons appointed by them) in respect of proceedings that do not take place.

Costs of reviews held under section 9 by appointed person

- 4 Where a review under section 9 is carried out by a person appointed by the Welsh Ministers under subsection (3) of that section, the appointed person has the same powers in relation to the review as the Welsh Ministers have under paragraph 3.