
STATUTORY INSTRUMENTS

2013 No. 1987

The Electricity (Necessary Wayleaves and Felling and Lopping of Trees) (Hearing Procedures) (England and Wales) Rules 2013

PART 1

Preliminary

Citation, commencement and extent

1.—(1) These Rules may be cited as the Electricity (Necessary Wayleaves and Felling and Lopping of Trees) (Hearing Procedures) (England and Wales) Rules 2013 and come into force on 1st October 2013.

(2) These Rules extend to England and Wales.

Interpretation

2. In these Rules—

“the 1989 Act” means the Electricity Act 1989⁽¹⁾;

“applicant” means the person making a relevant application;

“document” includes a photograph, map or plan;

“electric line” has the meaning given in section 64 of the 1989 Act;

“further inspector’s report” has the meaning given in rule 15(4)(b);

“inspector” means a person appointed by the Secretary of State to carry out the matters in rule 6(2) or rule 8(2);

“inspector’s report” has the meaning given in rule 14;

“necessary wayleave” has the meaning given in paragraph 6(1) of Schedule 4 to the 1989 Act;

“notice” means a notice in writing;

“objector” means any owner or occupier of land to whom the Secretary of State is obliged by virtue of paragraph 6(5) or paragraph 9(6) of Schedule 4 to the 1989 Act to give an opportunity of being heard;

“oral hearing procedure” means the procedure set out in Part 3;

“party” means the applicant or an objector;

“pre-hearing meeting” has the meaning given by rule 10(1);

“procedure notice” has the meaning given in rule 3(6);

“relevant application” means—

(a) an application made under paragraph 6(3) of Schedule 4 to the 1989 Act, or

(1) 1989 c.29.

- (b) a reference made under paragraph 9(5) of Schedule 4 to the 1989 Act;
- “relevant land” means the land in respect of which a relevant application is made;
- “representations” means representations in writing;
- “statement of evidence” means a written statement which contains particulars of the party’s case, and in the case of the applicant’s statement of evidence complies with rule 4(3) or 11(4) as applicable;
- “supporting documents” has the meaning given in rule 12(9);
- “working day” means any day other than a Saturday, Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971(2); and
- “written representations procedure” means the procedure set out in Part 2.

Application of the written representations procedure or the oral hearing procedure

3.—(1) Where an applicant makes a relevant application to the Secretary of State, the applicant must send to each objector a copy of the relevant application together with copies of any documents submitted with the relevant application.

(2) On receipt of a relevant application, the Secretary of State must give notice to each party to seek that party’s consent for the written representations procedure to apply in respect of the determination of the application.

(3) A party may consent to the application of the written representations procedure by giving notice of that consent to the Secretary of State by the 30th working day after the date of the notice given under paragraph (2) (“the consent date”).

(4) The written representations procedure applies where—

- (a) by the consent date, the Secretary of State has in respect of each party—
 - (i) received a notice under paragraph (3); or
 - (ii) not received a reply to the notice given under paragraph (2); and
- (b) the Secretary of State considers that there are no exceptional circumstances which require an oral hearing to be held.

(5) Unless the written representations procedure applies, the oral hearing procedure applies in respect of the determination of the relevant application.

(6) As soon as practicable after the consent date, the Secretary of State must give notice to each party whether the written representations procedure or the oral hearing procedure applies in respect of the determination of the relevant application (“the procedure notice”).