

SCHEDULE

Regulation 2

Hearing Session Rules

Notice of hearing session and specified matters

1.—(1) Where the local authority has determined that a hearing session should be held it is to give written notice to that effect to—

- (a) the community transfer body;
- (b) any interested party who made representations in relation to specified matters; and
- (c) any person who the local authority wishes to make further representations or to provide further information on specified matters at the hearing session.

(2) The notice given under paragraph (1) is to specify the matters to be considered at the hearing session.

(3) Only specified matters are to be considered at the hearing session.

(4) A person given notice under paragraph (1)(b) or (c) and who intends to appear at the hearing session must within the period of 10 working days beginning with the date of such notice inform the local authority in writing of that intention.

Appearances at hearing session

2. The persons entitled to appear at a hearing session are—

- (a) the community transfer body; and
- (b) any other person who, in response to a notice given under rule 1(1), has informed the local authority of their intention to appear at the hearing session in accordance with rule 1(4).

Date and notification of hearing session

3.—(1) The date, time and place at which the hearing session is to be held is to be determined (and may subsequently be varied) by the local authority.

(2) The local authority is to give to those persons entitled to appear at the hearing session such notice of the date, time and place fixed for the holding of a hearing session (and any subsequent variation thereof) as may appear to the local authority to be reasonable in the circumstances.

Service of hearing statements and documents

4.—(1) Where required to do so by notice given by the local authority, a person entitled to appear at the hearing session must, by such date as is specified in the notice, send to the local authority, the community transfer body and to such other persons entitled to appear at the hearing session as the local authority may specify in such notice—

- (a) a hearing statement; and
- (b) where that person intends to refer to or rely on any documents when presenting their case a copy of every document (or the relevant part of a document) on the list comprised in that hearing statement which is not already available for inspection under regulation 5, 15(2), or paragraph (2) of this rule.

(2) The local authority must make a copy of any hearing statement or other document (or any part thereof) which, or a copy of which, has been sent to it in accordance with this rule, available for inspection on a website or by other electronic means until such time as the review is determined.

(3) Any person who has served a hearing statement in accordance with this rule must—

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- (a) when required by notice in writing from the local authority, provide such further information about the matters contained in the statement as the local authority may specify; and
 - (b) at the same time send a copy of such further information to any other person on whom the hearing statement has been served.
- (4) Different dates and different persons may be specified for the purposes of paragraph (1).
- (5) In this rule, “hearing statement” means, and is comprised of—
- (a) a written statement which fully sets out the case relating to the specified matters which a person proposes to put forward to a hearing session;
 - (b) a list of documents (if any) which the person putting forward such case intends to refer to or rely on; and
 - (c) a list of any other persons who are to speak at the hearing session in respect of such case, any matters which such persons are particularly to address and any relevant qualifications of such persons to do so.

Procedure at hearing

5.—(1) Except as otherwise provided in these Hearing Session Rules, the procedure at a hearing session shall be as the local authority determines.

(2) The local authority is, having considered any submission by the persons entitled to appear at the hearing session, to state at the commencement of the hearing session the procedure the local authority proposes to adopt.

(3) Any person entitled to appear may do so on that person’s own behalf or be represented by another person.

(4) Where there are two or more persons having a similar interest in the issues being considered at the hearing session, the local authority may allow one or more persons to appear on behalf of some or all of any persons so interested.

(5) A hearing shall take the form of a discussion led by the local authority and cross examination is not permitted unless the local authority considers that cross examination is required to ensure a thorough examination of the issues.

(6) Subject to paragraph (7), a person entitled to appear at a hearing session is entitled to call evidence.

(7) The local authority may refuse to permit—

- (a) the giving or production of evidence;
- (b) the cross examination of persons giving evidence; or
- (c) the presentation of any other matter,

which the local authority considers to be irrelevant or repetitious.

(8) The local authority may proceed with a hearing session in the absence of any person entitled to appear at the hearing session.

(9) The local authority may from time to time adjourn the hearing session and, if the date, time and place of the adjourned hearing session are announced before the adjournment, no further notice is required otherwise rule 3 applies as it applies to the variation of the date, time or place at which a hearing session is to be held.