
STATUTORY INSTRUMENTS

1999 No. 1286

**The Education (Adjudicators Inquiry
Procedure etc.) Regulations 1999**

Procedure at inquiry

12.—(1) Except as otherwise provided in these Regulations, the adjudicator shall determine the procedure at an inquiry.

(2) Unless in any particular case the adjudicator with the consent of the proposer otherwise determines, the proposer shall begin and shall have the right of final reply; and the other persons entitled or permitted to appear shall be heard in such order as the adjudicator may determine.

(3) A person entitled to appear at an inquiry shall be entitled to call evidence and each proposer and any relevant objector shall be entitled to cross-examine persons giving evidence, but, subject to the foregoing and paragraphs (4) to (6), the calling of evidence and the cross-examination of persons giving evidence shall otherwise be at the adjudicator's discretion.

(4) The adjudicator 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 he considers to be irrelevant or repetitious; but where he refuses to permit the giving of oral evidence, the person wishing to give the evidence may submit to him any evidence or other matter in writing before the close of the inquiry.

(5) The adjudicator may refuse to permit the giving or production of evidence by reading a proof of evidence if the person has not complied with regulations 11(1) and (3).

(6) Where a person gives evidence at an inquiry by reading a summary of his evidence in accordance with regulation 11(5), the proof of evidence referred to in regulation 11(1) shall, unless the person required to provide the summary notifies the adjudicator that he now wishes to rely on the contents of the summary alone, be treated as tendered in evidence, and the person whose evidence the proof contains shall then be subject to cross-examination on it to the same extent as if it were evidence he had given orally.

(7) The adjudicator may direct that facilities shall be afforded to any person appearing at an inquiry to take or obtain copies of documentary evidence open to public inspection.

(8) The adjudicator may require any person appearing or present at an inquiry who, in his opinion, is behaving in a disruptive manner to leave and may refuse to permit that person to return, or may permit him to return only on such conditions as he may specify; but any such person may submit to him any evidence or other matter in writing before the close of the inquiry.

(9) The adjudicator may allow any person to alter or add to a statement of case served under regulation 5 so far as may be necessary for the purposes of the inquiry; but he shall (if necessary by adjourning the inquiry) give every other person entitled to appear who is appearing at the inquiry an adequate opportunity of considering any fresh matter or document.

(10) The adjudicator may proceed with an inquiry in the absence of any person entitled to appear at it.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(11) The adjudicator may take into account any written representation or evidence or any other document received by him from any person before an inquiry opens or during the inquiry provided that he discloses it at the inquiry.

(12) The adjudicator may from time to time adjourn an inquiry and, if the date, time and place of the adjourned inquiry are announced before the adjournment, no further notice shall be required.

(13) Where an inquiry is held pursuant to paragraph 9 of Schedule 7 to the Act the reference in paragraph (2) to the proposer shall have effect as a reference to the Secretary of State.