
STATUTORY INSTRUMENTS

2007 No. 2008

**The Rights of Way (Hearings and
Inquiries Procedure) (England) Rules 2007**

**PART 4
INQUIRIES**

Procedure at the inquiry

21.—(1) Except as otherwise provided in these Rules, the inspector shall determine the procedure at the inquiry.

(2) At the start of the inquiry the inspector shall identify—

- (a) what are in his opinion the main issues to be considered at the inquiry; and
- (b) any matters on which he requires further explanation from any person appearing at the inquiry.

(3) Paragraph (2) shall not preclude the addition in the course of the inquiry of other issues for consideration or preclude any person entitled or permitted to appear at the inquiry from referring to other issues which he considers to be relevant to the inquiry.

(4) Unless in a particular case the inspector otherwise determines, the authority shall begin and any other persons appearing at the inquiry shall be heard in such order as the inspector shall determine.

(5) Subject to paragraph (7), a person appearing at an inquiry may give, or call another person to give, oral evidence, and may present, or call another person to present, any matter.

(6) Subject to paragraph (7), any person appearing at the inquiry may cross-examine any person giving evidence orally or in writing or presenting any matter at the inquiry.

(7) The inspector may at any stage in the proceedings refuse to permit—

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

which he considers to be irrelevant or repetitious.

(8) Where under paragraph (7) the inspector refuses to permit the giving or production of evidence or the presentation of any matter, the person wishing to give or produce evidence or to present any matter, or to call any other person to give or produce evidence or to present any matter, may submit to the inspector any evidence or other matter in writing before the close of the inquiry.

(9) Where a person gives evidence at an inquiry by reading a summary of his proof of evidence, the proof of evidence shall be treated as tendered in evidence, unless the person required to provide the summary notifies the inspector that he wishes to rely on the contents of that summary alone.

(10) The inspector may—

- (a) require any person present at an inquiry who, in his opinion, is behaving in a disruptive manner to leave; and
- (b) refuse to permit that person to return or permit him to return only on such conditions as he may specify.

(11) Any person mentioned in paragraph (10) may submit to the inspector any evidence or other matter in writing before the close of the inquiry.

(12) The inspector may, at the inquiry, allow any person to alter or add to his statement of case received by the Secretary of State under rule 17 or his proof of evidence or summary received by the Secretary of State under rule 20 so far as may be necessary for the purposes of the inquiry.

(13) Where the inspector has allowed an alteration or addition under paragraph (12), he shall (if necessary by adjourning the inquiry) give the persons mentioned in paragraph (14) an adequate opportunity of considering the alteration or addition.

(14) The persons referred to in paragraph (13) are—

- (a) in the case of an alteration or addition to a statement of case—
 - (i) every other person appearing at the inquiry;
 - (ii) every other person present at the inquiry who was entitled to receive a copy of the statement of case in question under rule 17; and
 - (iii) such other persons as the inspector considers appropriate; and
- (b) in the case of an alteration or addition to a proof of evidence or summary—
 - (i) every other person appearing at the inquiry;
 - (ii) every other person present at the inquiry who was entitled to receive a copy of the relevant documents in question under rule 20; and
 - (iii) such other persons as he considers appropriate.

(15) The inspector may—

- (a) proceed with the inquiry in the absence of any person entitled or permitted to appear at it;
- (b) take into account any written representations, evidence or any other document received by him from any person before the inquiry opens or during the inquiry, provided he discloses it at the inquiry; and
- (c) from time to time adjourn the inquiry.

Changes to legislation:

There are currently no known outstanding effects for the The Rights of Way (Hearings and Inquiries Procedure) (England) Rules 2007, Section 21.