
STATUTORY INSTRUMENTS

2007 No. 2008

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

PART 1

PRELIMINARY

Citation, commencement and extent

1.—(1) These Rules may be cited as the Rights of Way (Hearings and Inquiries Procedure) (England) Rules 2007 and come into force on 1st October 2007.

(2) These Rules apply in relation to England only.

Interpretation

2. In these Rules—

“the 1980 Act” means the Highways Act 1980(1);

“the 1981 Act” means the Wildlife and Countryside Act 1981(2);

“the 1990 Act” means the Town and Country Planning Act 1990(3);

“the applicant” has the meaning given by rule 4(4)(b);

“the authority” means the authority who made the order in question;

“a decision by the Secretary of State as respects an order” does not include a transferred decision;

“inspector” means—

(a) a person appointed by the Secretary of State to make a transferred decision, or

(b) a person holding a hearing or inquiry and making a report to the Secretary of State in order for him to make a decision on whether or not to confirm the order in question;

“order”, save where the context otherwise requires, means an order (other than an order made by the Secretary of State) to which the provisions of Schedule 6 to the 1980 Act (provisions as to making, confirmation, validity and date of operation of certain orders relating to footpaths, bridleways and restricted byways), Schedule 15 to the 1981 Act (procedure in connection with certain orders under Part III) or Schedule 14 to the 1990 Act (procedure for footpaths and bridleways orders) apply;

“proof of evidence” means a written statement of evidence;

“relevant documents” has the meaning given by rule 20(2);

“relevant person” has the meaning given by rule 4(4)(f);

(1) 1980 c.66.

(2) 1981 c.69.

(3) 1990 c.8.

“start date”, in relation to any given hearing or inquiry, has the meaning given by rule 4(3)(a);
 “statement of case ” means a written statement containing full particulars of the case which a person proposes to put forward at a hearing or inquiry and includes—

- (a) copies of any supporting documents which that person intends to refer to or put in evidence, and
- (b) a list of those documents;

“subsequent material” means any material, consisting of any document, any oral representations or any evidence, which was not submitted to the Secretary of State or the inspector before the close of the hearing or inquiry, as the case may be, but is submitted thereafter, but does not include a report made under rule 11(2) or 23(2) in respect of the hearing or inquiry in question; and

“transferred decision” means a decision made by a person appointed by the Secretary of State pursuant to paragraph 2A of Schedule 6 to the 1980 Act⁽⁴⁾ (provisions as to making, confirmation, validity and date of operation of certain orders relating to footpaths, bridleways and restricted byways), paragraph 10 of Schedule 15 to the 1981 Act (procedure in connection with certain orders under Part III) or paragraph 4 of Schedule 14 to the 1990 Act (procedure for footpaths and bridleways orders).

Application of Rules

3.—(1) Parts 1, 2, 3 and 6 apply to hearings afforded by the Secretary of State under—

- (a) paragraph 2(2) of Schedule 6 to the 1980 Act (provisions as to making, confirmation, validity and date of operation of certain orders relating to footpaths, bridleways and restricted byways);
- (b) paragraph 7(2) of Schedule 15 to the 1981 Act⁽⁵⁾ (procedure in connection with certain orders under Part III); or
- (c) paragraph 3(3) of Schedule 14 to the 1990 Act (procedure for footpaths and bridleways orders).

(2) Parts 1, 2, 4 and 6 apply to local inquiries caused by the Secretary of State to be held under the provisions mentioned in paragraph (1)(a) to (c).

(3) Parts 1, 5 and 6 apply to hearings afforded by the Secretary of State and to inquiries caused by him to be held under paragraph 2(3) of Schedule 6 to the 1980 Act (provisions as to making, confirmation, validity and date of operation of certain orders relating to footpaths, bridleways and restricted byways), paragraph 8(2) of Schedule 15 to the 1981 Act⁽⁶⁾ (procedure in connection with certain orders under Part III) or paragraph 3(6) of Schedule 14 to the 1990 Act (procedure for footpaths and bridleways orders).

(4) The Highways (Inquiries Procedure) Rules 1994⁽⁷⁾ do not apply to any hearing or inquiry mentioned in paragraphs (1) to (3).

(4) Paragraph 2A was inserted by the Wildlife and Countryside Act 1981 (c.69), Schedule 16, paragraph 7.

(5) Paragraph 7(2) of Schedule 15 to the 1981 Act was amended by the Countryside and Rights of Way Act 2000 (c.37), Schedule 5, paragraph 11(4).

(6) Paragraph 8(2) of Schedule 15 to the 1981 Act was amended by the Countryside and Rights of Way Act 2000, Schedule 5, paragraph 11(7).

(7) S.I. 1994/3263, to which there are amendments not relevant to these Rules.

Changes to legislation:

There are currently no known outstanding effects for the The Rights of Way (Hearings and Inquiries Procedure) (England) Rules 2007, PART 1.