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STATUTORY INSTRUMENTS

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**2010 No. 103**

**The Infrastructure Planning  
(Examination Procedure) Rules 2010**

**Procedure at hearings**

**14.**—(1) The Examining authority shall preside at any hearing and shall determine the procedure at the hearing.

(2) At the start of the hearing the Examining authority shall identify the matters to be considered at the hearing, and any matters on which the Examining authority requires further explanation from—

- (a) the persons entitled under section 91(3), 92(4) or 93(3) to make oral representations; or
- (b) the persons permitted under rule 14(10) to make oral representations.

(3) Any oral representations must be based on either the relevant or written representations made by the person by whom or on whose behalf the oral representations are made; and where those relevant or written representations exceed 1500 words the person by whom they were made must prepare a summary.

(4) Without prejudice to the Examining authority's discretion as to the conduct of the hearing, nothing in paragraph (2) or (3) precludes a person from referring to issues which they consider relevant to the examination of an application or specified matters but which are not issues identified by the Examining authority pursuant to paragraph (2) or included in their relevant or written representations.

(5) The Examining authority(1) shall be responsible for the oral questioning of a person giving evidence ("A") except where, in the view of the Examining authority, oral questioning of A by another person ("B") is necessary in order to ensure—

- (a) adequate testing of any representation; or
- (b) that B has a fair chance to put B's case.

(6) The Examining authority may refuse to permit the oral questioning of persons giving evidence, or may require such questioning to cease, if it appears to the Examining authority that permitting such questioning or allowing it to continue (as the case may be) would have the effect that the timetable referred to in rule 8 could not be met.

(7) The Examining authority may proceed with a hearing in the absence of a person entitled to appear at it.

(8) The Examining authority may from time to time adjourn a hearing and, if the date, time and place of the adjourned hearing are announced at the hearing before the adjournment, no further notice shall be required.

(9) Any person entitled or permitted to make oral representations at a hearing may do so on that person's own behalf or be represented by any other person.

(10) The Examining authority may permit any person, in addition to those who are entitled under section 91(3), 92(4) or 93(3), to make oral representations at a hearing.

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(1) By virtue of section 101(2), any oral questioning of a person making representations at a hearing may be carried out on the Examining authority's behalf by a barrister, solicitor or advocate appointed under section 101(1) of the 2008 Act.

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

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