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STATUTORY INSTRUMENTS

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**2011 No. 2055**

**The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011**

**PART 2**

**Changes to, and revocation of, orders granting development consent under paragraphs 3(1), 3(4), and 3(5) of Schedule 6 to the Act**

**Procedure at hearings**

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

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

- (a) the persons entitled under regulations 33, 34 or 35 to make oral representations; or
- (b) any other person permitted by the Examining body 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 body'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 but which are not issues identified by the Examining body pursuant to paragraph (2) or included in their relevant or written representations.

(5) The Examining body(1) shall be responsible for the oral questioning of a person giving evidence ("A") except where, in the view of the Examining body, 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 body may refuse to permit the oral questioning of persons giving evidence, or may require such questioning to cease, if it appears to the Examining body that permitting such questioning or allowing it to continue (as the case may be) would have the effect that the timetable referred to in regulation 30 could not be met.

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

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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 body's behalf by a barrister, solicitor or advocate appointed under section 101(1) of the Act.

(8) The Examining body 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 body may permit any person, in addition to those who are entitled under regulations 33, 34 or 35, to make oral representations at a hearing.