

SCHEDULE

Rule 8

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Rule 2A

Modifications where a person is appointed under section 14D of the Act

**Modification of rule 2**

1. Rule 2(1) (interpretation) has effect as if, for the definition of “inspector”, there were substituted—

““inspector” means a person appointed by a confirming authority under section 14D of the Act to act instead of it in relation to the confirmation of a non-ministerial order;”.

**Modification of rule 4**

2. Rule 4 (pre-inquiry meetings) has effect as if there were substituted—

**“Pre-inquiry meetings**

4.—(1) If it appears to the inspector to be desirable, he may hold a pre-inquiry meeting, and where he does so, he must arrange for not less than 3 weeks’ written notice of the meeting to be given to—

- (a) the acquiring authority;
- (b) each remaining objector;
- (c) any other person known at the date of the notice to be entitled to appear at the inquiry; and
- (d) any other person whose presence at the meeting appears to him to be desirable.

(2) The inspector is to determine the matters to be discussed and the procedure to be followed at a pre-inquiry meeting, and in particular he may require any person at the meeting who, in his opinion, is behaving in a disruptive manner to leave.

(3) Where the inspector requires a person to leave under paragraph (2), he may refuse to permit that person to return or to attend any further pre-inquiry meetings relating to the same inquiry, or permit that person to return or to attend any further pre-inquiry meetings relating to the same inquiry only on such conditions as he may specify.”.

**Disapplication of rules 5 and 6**

3. Rules 5 and 6 (pre-inquiry meetings) have effect as if they were omitted.

**Modification of rule 7**

4. Rule 7(1)(a) (statements of case) has effect as if the words “or rule 6(3)” were omitted.

**Modification of rule 8**

5. Rule 8(1) (inquiry timetable) has effect as if the words “or 6” were omitted.

**Modification of rule 9**

6. Rule 9(b) (notice of appointment of assessor) has effect as if the words “an outline statement under rule 5 or” were omitted.

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### **Modification of rule 10**

7. Rule 10 (date of inquiry) has effect as if—
- (a) in paragraph (1)(b), the words “or 6” were omitted;
  - (b) in paragraph (2)(b), the words “an outline statement under rule 5 or” were omitted.

### **Modification of rules 14(1), 15(6) and 16(8)**

8. Rules 14(1), 15(6) and 16(8) have effect as if the words “an outline statement under rule 5 or” were omitted.

### **Modification of rule 18**

9. Rule 18 (procedure after inquiry) has effect as if there were substituted—

#### **“Procedure after inquiry**

**18.**—(1) Within 10 business days beginning with the day after the day on which the inquiry closes, the inspector must inform the relevant parties in writing of the expected date of his decision.

(2) For the purposes of paragraph (1), the relevant parties are—

- (a) the acquiring authority;
- (b) each remaining objector;
- (c) any person entitled to appear at the inquiry who did appear at it; and
- (d) any other person who, having appeared at the inquiry, asked to be notified of the decision.

(3) After the close of the inquiry, the inspector must make a report in writing which he must incorporate into the notice of his decision under rule 19(1).

(4) Where an assessor has been appointed, he may, after the close of the inquiry, make a report in writing to the inspector in respect of the matters on which the assessor was appointed to advise.

(5) Where the assessor makes a report in accordance with paragraph (4), the inspector must state in his decision that such a report was made.

(6) If, after the close of an inquiry, the inspector proposes to take into consideration any new evidence or any new matter of fact, other than a matter of government policy, which was not raised at the inquiry and which he considers to be material to his decision, he must not come to a decision without first notifying the persons who appeared at the inquiry of the matter in question.

(7) The inspector must give every person notified under paragraph (6) an opportunity of making written representations to him, or of asking for the re-opening of the inquiry.

(8) Any representations or request to re-open the inquiry under paragraph (7) must be sent to the authorising authority within 3 weeks of the date of the inspector’s notification under paragraph (6).

(9) The inspector may as, as he thinks fit, cause an inquiry to be re-opened to afford an opportunity for persons to be heard on such matters relating to the order as he may specify, and must do so if asked by the acquiring authority or by a remaining objector under paragraph (7) and within the period mentioned in paragraph (8).

(10) Where an inquiry is re-opened—

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- (a) the inspector must send to those persons entitled to appear at the inquiry who appeared at it a written statement of the specified matters referred to in paragraph (9); and
- (b) paragraphs (2) to (5) of rule 10 apply as if—
  - (i) references to an inquiry were references to a re-opened inquiry; and
  - (ii) in paragraph (2) of rule 10, for “6 weeks”, there were substituted “4 weeks”.

### **Modification of rule 19**

- 10.** Rule 19 (notice of decision) has effect as if there were substituted—

#### **“Notice of decision**

**19.**—(1) The inspector must give notice of his decision and the reasons for it in writing to—

- (a) the acquiring authority;
- (b) each remaining objector;
- (c) any person entitled to appear at the inquiry who did appear at it; and
- (d) any other person who, having appeared at the inquiry, asked to be notified of the decision.

(2) Any person entitled to be notified of the inspector’s decision under paragraph (1) may apply, within 4 weeks beginning with the date of the decision, to the authorising authority in writing for an opportunity to see any documents listed in the notice of the inspector’s decision or any report made by an assessor, and the authorising authority must afford the person that opportunity.”.

### **Modification of rule 19A and application of new rule 19B**

- 11.** Rule 19A (procedure following quashing of decision) has effect as if there were substituted—

#### **“Procedure following quashing of decision**

**19A.**—(1) Where a decision notified under rule 19(1) is quashed, in full or in part, in proceedings before any court, the authorising authority—

- (a) must send to any person who was entitled to appear at the inquiry a written statement of the matters with respect to which further representations are invited for the purposes of the further consideration of the order by an inspector (who may or may not be the inspector who made the decision originally notified under rule 19(1));
- (b) must afford to those persons the opportunity of making written representations to the inspector in respect of those matters or of asking for the re-opening of the inquiry.

(2) Those persons making representations or asking for the inquiry to be re-opened under paragraph (1)(b) must ensure that such representations or requests are received by the authorising authority within 3 weeks beginning with the date of the written statement sent under paragraph (1)(a).

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(3) The inspector may, as he thinks fit, cause the inquiry to be re-opened and, if he does so, paragraphs (2) to (5) of rule 10 apply as if references to an inquiry were references to a re-opened inquiry.

**Inspector may act in place of the authorising authority**

**19B.** An inspector may in place of the authorising authority take such steps as the authorising authority is required or enabled to take under rules 7(3) and (4) and 20.””