
WELSH STATUTORY INSTRUMENTS

2017 No. 644

Listed Buildings (Review of Listing
Decisions) (Wales) Regulations 2017

PART 5

Inquiries procedure

Notice of inquiry, specified matters and appearances at inquiry

15.—(1) Where the appointed person decides that a review is to be carried out by means of an inquiry, they must give notice to that effect to—

- (a) the applicant;
- (b) the Welsh Ministers; and
- (c) any other person or body that the appointed person considers appropriate.

(2) The notice given under paragraph (1) must set out the specified matters, but the inclusion of such matters in the notice does not prevent the appointed person from allowing the consideration of such other matters as they consider appropriate.

(3) The persons entitled to appear at the inquiry are those referred to in paragraph (1)(a) to (c).

Date and notification of, and publicity in relation to, inquiry

16.—(1) The appointed person must determine (and may subsequently vary) the date, time and place at which the inquiry is to be held.

(2) The appointed person must give to those persons entitled to appear at the inquiry not less than four weeks notice of the date, time and place fixed for the holding of the inquiry (and any subsequent variation thereof).

(3) The appointed person may make further arrangements for publicising the holding of the inquiry as they consider appropriate in the circumstances.

Service of inquiry statements, documents etc.

17.—(1) The appointed person may by written notice require that any person or body entitled to appear at the inquiry must, by such date as is specified in the notice, send to the appointed person and such other persons or bodies specified in the notice—

- (a) a statement in accordance with paragraph (2) (“inquiry statement”); and
- (b) a copy of every document on the list of such documents comprised in that inquiry statement.

(2) An inquiry statement must contain—

- (a) a written statement which contains particulars of the case relating to the specified matters which a person proposes to put forward at an inquiry;

- (b) a list of documents (if any) which the person putting forward such case intends to refer to, rely on or put in evidence; and
- (c) a list of witnesses specifying—
 - (i) the persons who are to give, or be called to give, evidence at the inquiry;
 - (ii) the matters in respect of which such persons are to give evidence; and
 - (iii) the relevant qualifications of such persons to do so.

Procedure at inquiry

18.—(1) Except as otherwise provided in this Part, the procedure at an inquiry is to be as the appointed person determines.

(2) The appointed person must state at the commencement of the inquiry the procedure that they propose to adopt.

(3) Any person entitled to appear at the inquiry may instead be represented by another person.

(4) Where two or more persons have a similar interest in the matter under inquiry, the appointed person may allow one or more persons to appear on behalf of some or all of any persons so interested.

(5) Subject to paragraph (6), any person entitled to appear at the inquiry is entitled to call evidence, to cross-examine persons giving evidence and to make closing statements.

(6) The appointed person may refuse to permit—

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

which the appointed person considers to be irrelevant or repetitious.

(7) The appointed person may proceed with an inquiry in the absence of any person entitled to appear at the inquiry.

(8) The appointed person may—

- (a) require any person taking part in, or present at, an inquiry who, in the appointed person's opinion is behaving in a disruptive manner to leave; and
- (b) refuse to permit that person to return; or
- (c) permit that person to return only on such conditions as the appointed person may specify,

but any such person may submit to the appointed person any evidence or other matter in writing before the close of the inquiry.

(9) The appointed person may take into account any representation or evidence or any other document received from any person before an inquiry opens or during the inquiry on the condition that the appointed person discloses that fact at the inquiry.

(10) The appointed person may from time to time adjourn the inquiry and—

- (a) where the date, time and place at which the inquiry is to be resumed are announced before the adjournment, must as soon as practicable take reasonable steps to give notice of such date, time and place to any person entitled to appear at the inquiry who was absent at the time of the announcement; or
- (b) where the date, time and place at which the inquiry is to be resumed are not announced before the adjournment, must—
 - (i) determine (and may subsequently vary) such date, time and place; and

(ii) subject to paragraph (11) give to those persons entitled to appear at the inquiry not less than four weeks notice of such date, time and place (and any subsequent variation thereof).

(11) Where paragraph (10)(b) applies, the appointed person may give to those persons entitled to appear at the inquiry less than four weeks notice of the date, time and place fixed for the resumption of the inquiry (and any subsequent variation thereof) in any case where such shorter period is agreed between the applicant, appointed person and the Welsh Ministers.

Appointment of assessor

19. Where an assessor is appointed under paragraph 4(1)(a) of Schedule 1B to the 1990 Act, the appointed person must notify in writing the persons entitled to appear at the inquiry of the appointment, the name of the person appointed and the matters on which they will advise.