
STATUTORY INSTRUMENTS

1994 No. 3263

TRIBUNALS AND INQUIRIES

The Highways (Inquiries Procedure) Rules 1994

Made - - - - 15th December 1994

Laid before Parliament 20th December 1994

Coming into force - - 10th January 1995

The Lord Chancellor, in exercise of the powers conferred on him by section 9 of the Tribunals and Inquiries Act 1992(1), and all other powers enabling him in that behalf, and after consultation with the Council on Tribunals, hereby makes the following Rules:

PART I
GENERAL

Citation and Commencement

1. These Rules may be cited as the Highways (Inquiries Procedure) Rules 1994 and shall come into force on 10th January 1995.

Interpretation

2. In these Rules unless the context otherwise requires:

“the Act” means the Highways Act 1980(2);

“assessor” means a person appointed by the Secretary of State to sit with an inspector at an inquiry or reopened inquiry to advise the inspector in such matters arising as the Secretary of State may specify;

“document” includes a photograph, map or plan;

“highway works” means any works for the construction, improvement or alteration of a highway, or for the provision of means of access to premises or the diversion of a navigable watercourse in connection with the construction, improvement or alteration of a highway, and “the highway works”, in relation to an order or scheme, means the highway works authorised by that order or scheme;

“improvement” has the same meaning as in the Act;

(1) 1992 c. 53.
(2) 1980 c. 66.

“inquiry” means a local inquiry in relation to which these Rules apply;

“inspector” means a person appointed by the Secretary of State to hold an inquiry or a reopened inquiry;

“local authority” means a county council, the Council of a district or London Borough or the Common Council of the City of London;

“local highway authority” has the same meaning as in the Act;

“the order or scheme” means, in relation to an inquiry, the order or scheme in connection with which the inquiry is held or, where an inquiry is held in connection with more than one order or scheme, all the orders and schemes;

“outline statement” means in relation to a person a written statement of the principal submissions which that person proposes to put forward at an inquiry;

“pre-inquiry meeting” means a meeting held before an inquiry to consider what may be done with a view to securing that the inquiry is conducted efficiently and expeditiously, and where two or more such meetings are held references to the conclusion of a pre-inquiry meeting are references to the conclusion of the final meeting;

“the promoting authority”—

- (a) in relation to an order or scheme proposed to be made by the Secretary of State, means the Secretary of State;
- (b) in relation to an order or scheme made by a local highway authority and submitted to the Secretary of State for confirmation, means that local highway authority;
- (c) in relation to a scheme under section 16(10) of the Act made by two or more local highway authorities and submitted to the Secretary of State for confirmation, means such one or more of those authorities as may, for the purpose of any particular provision of these Rules, be agreed between the authorities themselves or, in default of such agreement, be determined by the Secretary of State or the inspector;

“relevant date” means the date of the Secretary of State’s written notice to the promoting authority (if applicable) and the statutory objectors of his intention to cause an inquiry to be held, and “relevant notice” means that notice;

“site” means the site of any of the highway works authorised by the order or scheme or the site of any highway to which the order or scheme relates;

“statement of case” means a written statement which contains full particulars of the case which a person proposes to put forward at an inquiry, and a list of any documents which that person intends to refer to or put in evidence;

“statutory objector” means any objector mentioned below whose objection has not been withdrawn or disregarded under paragraph 18 of Schedule 1 to the Act —

- (a) any body or person mentioned in the Table to paragraph 3 or in paragraph 11 of Schedule 1 to the Act⁽³⁾;
- (b) any owner (within the meaning of section 329(1) of the Act), lessee or occupier of land which is likely to be required for the execution of any of the highway works;
- (c) any person who is likely to be entitled to claim compensation under Part I of the Land Compensation Act 1973⁽⁴⁾ in respect of the use of any of the highway works.

(3) [1980 c. 66;] paragraph 3 of Schedule 1 was amended by the Local Government Act 1985 (c. 51), section 102 and Schedule 17 and by the Water Act 1989 (c. 15), section 190 and Schedule 25, paragraphs 1(8) and 62(14)(a); paragraph 11(b) of Schedule 1 was amended by the Water Act 1989, section 190 and Schedule 25, paragraph 62(14)(b).

(4) 1973 c. 26.

Application of Rules

- 3.—(1) Subject to paragraph (2) of this rule, these Rules shall apply —
- (a) to local inquiries caused by the Secretary of State to be held under paragraph 7(1) of Schedule 1 to the Act in connection with—
 - (i) orders proposed to be made by him under sections 10, 14, 18, 106 or 108 of the Act,
 - (ii) orders made by a local highway authority under sections 14, 18, 106 or 108 of the Act and submitted to the Secretary of State for confirmation; and
 - (b) to local inquiries caused by the Secretary of State to be held under paragraph 14(1) of Schedule 1 to the Act in connection with—
 - (i) schemes proposed to be made by him under section 16 of the Act, or
 - (ii) schemes made by a local highway authority under section 16 of the Act and submitted to the Secretary of State for confirmation.

(2) Part II of these Rules applies to local inquiries in connection with orders or schemes proposed to be made by the Secretary of State, Part III of these Rules applies to local inquiries in connection with orders or schemes made by a local highway authority and submitted to the Secretary of State for confirmation, and Parts I and IV of these Rules apply to all local inquiries referred to in paragraph (1) of this rule.

PART II

RULES APPLICABLE TO INQUIRIES IN CONNECTION WITH ORDERS OR SCHEMES PROPOSED TO BE MADE BY THE SECRETARY OF STATE

Preliminary action to be taken by the Secretary of State

4.—(1) Where the Secretary of State intends to cause an inquiry to be held, he shall, not later than 4 weeks after the date specified in paragraph (2), give written notice of that intention to each statutory objector at the address furnished to the Secretary of State.

(2) The date referred to in paragraph (1) above is the date of expiry of the period within which an objection to the draft order or scheme may be made.

Procedure where Secretary of State causes pre-inquiry meeting to be held

5.—(1) The Secretary of State may cause a pre-inquiry meeting (“a meeting”) to be held if it appears to him desirable and where he does so this rule applies.

(2) The Secretary of State shall serve with the relevant notice a notification of his intention to cause a meeting to be held.

(3) The Secretary of State shall, not later than 3 weeks after the relevant date, publish in a local newspaper circulating in the locality in which the site or sites are situated or, if more than one locality, a local newspaper circulating in each such locality, a notice of the Secretary of State’s intention to cause a meeting to be held.

(4) The Secretary of State shall, not later than 8 weeks after the relevant date, serve on each statutory objector his outline statement.

- (5) When required by notice in writing from the Secretary of State to do so —
- (a) any statutory objector, and
 - (b) any other person who has notified the Secretary of State of any intention or wish to appear at the inquiry,

shall, within 8 weeks of the date of such notice, serve upon the Secretary of State and on any other person specified in such notice, an outline statement.

(6) A meeting shall be held not later than 16 weeks after the relevant date.

(7) The Secretary of State shall give not less than 3 weeks' written notice of the date, time and location of the meeting to each statutory objector and any other person whose presence at the meeting seems to him to be desirable.

(8) The inspector shall preside at the meeting and shall determine the matters to be discussed and the procedure to be followed; and he may require any person present at the meeting who, in his opinion, is behaving in a disruptive manner to leave and may refuse to permit that person to return or to attend any further meeting, or may permit him to return or attend only on such conditions as he may specify.

(9) Where a meeting has been held pursuant to paragraph (1), the inspector may hold a further meeting. He shall arrange for such notice to be given of a further meeting as appears to him necessary and paragraph (8) shall apply to such a meeting.

Service of statements of case, etc

6.—(1) The Secretary of State shall not later than —

- (a) 6 weeks after the relevant date, or
- (b) where a pre-inquiry meeting is held pursuant to rule 5, 4 weeks after the conclusion of that meeting,

serve his statement of case on each statutory objector.

(2) In addition to the statement of case served under paragraph (1) the Secretary of State shall serve upon each statutory objector a notice giving the names of all places, within each area in which the proposals contained in the order or scheme are to have effect (or as close as reasonably possible to any such area), where a copy of every document or the relevant part of any document which he intends to refer to or put in evidence may be inspected free of charge at all reasonable hours until the date of commencement of the inquiry.

(3) When required by notice in writing from the Secretary of State to do so —

- (a) any statutory objector, or
- (b) any other person who has notified him of an intention or wish to appear at the inquiry,

shall within 6 weeks from the date of such notice serve a statement of case on the Secretary of State.

(4) In addition to the statement of case served under paragraph (3) every person mentioned in paragraph 3(a) and (b) shall serve upon the Secretary of State a copy of every document or the relevant part of any document which such person intends to refer to or put in evidence.

(5) The Secretary of State shall supply a copy of his statement of case and of the notice mentioned in paragraph (2) to any person who is not a statutory objector but has been required to serve a statement of case under paragraph (3).

(6) When required by notice in writing from the Secretary of State or the inspector to do so, any person who has served a statement of case in accordance with this rule shall provide such further information about the matters contained in the statement as the Secretary of State or the inspector may specify.

(7) The Secretary of State shall afford to any person who so requests a reasonable opportunity to inspect and, where practicable and subject to payment by that person of a reasonable charge, take copies of any statement or document which, or a copy of which, has been served on or by him in accordance with any of the preceding paragraphs of this rule; and shall specify in his statement of case the time and place at which the opportunity will be afforded.

Further power of inspector to hold pre-inquiry meetings

7.—(1) Where no pre-inquiry meeting is held pursuant to rule 5, the inspector may hold one if he thinks it desirable.

(2) The inspector shall arrange for not less than 3 weeks' written notice of a meeting pursuant to paragraph (1) to be given to the Secretary of State, each statutory objector, any other person known at the date of the notice to be entitled to appear at the inquiry, and any other person whose presence at the meeting appears to him to be desirable.

(3) Rule 5(8) shall apply to a meeting held under this rule.

Inquiry timetable

8.—(1) Where a pre-inquiry meeting is held pursuant to rule 5 the inspector shall, and in any other case may, subject to the provisions of rule 10(1), arrange a timetable for the proceedings at, or at part of, the inquiry and may at any time vary the timetable.

(2) An inspector may specify in a timetable arranged pursuant to this rule a date by which any proof of evidence and summary required by rule 23(1) to be sent to him shall be so sent.

Notification of appointment of assessor

9. Where the Secretary of State appoints an assessor, he shall notify the statutory objectors of the assessor's name and of the matters on which he is to advise the inspector.

Date and notification of inquiry

10.—(1) The date fixed by the Secretary of State for the commencement of an inquiry shall be determined by him but shall be:

- (a) not later than 22 weeks after the relevant date; or
- (b) in a case where a pre-inquiry meeting is held pursuant to rule 5, not later than 8 weeks after the conclusion of that meeting; or
- (c) where the Secretary of State is satisfied that in all the circumstances of the case it is impracticable to hold the inquiry within the applicable period mentioned in (a) or (b), the earliest practicable date after the end of that period.

(2) Unless the Secretary of State agrees a lesser period of notice with each statutory objector, he shall give not less than 6 weeks' notice of the date, time and place fixed by him for the holding of an inquiry to every person specified in rule 13(1).

(3) The place at which the inquiry is to be held shall be determined by the Secretary of State and where he is satisfied, having regard to the nature of the draft order or scheme, that it is reasonable to do so he may direct that it shall be held in more than one place.

(4) The Secretary of State may vary the date fixed for the commencement of an inquiry whether or not the revised date is within the applicable period mentioned in paragraph (1); and paragraph (2) shall apply to a variation of a date as it applied to the date originally fixed.

(5) The Secretary of State may vary the time or place for the holding of an inquiry and shall give such notice of any such variation as appears to him to be reasonable.

(6) The Secretary of State shall, not later than 2 weeks before the date fixed for the holding of an inquiry:

- (a) post a notice of the inquiry in a conspicuous place or (in the case of an order or scheme making provision for highway works more than 5 kilometres in length) at intervals of not more than 5 kilometres, on or as close as reasonably practicable to the site or, where more than one site is involved, to each site;

- (b) post a notice of the inquiry in one or more places where public notices are usually posted in the locality or localities concerned; and
- (c) publish a notice of the inquiry in one or more local newspapers circulating in the locality in which the site or sites are situated or, if more than one locality is concerned, in one or more newspapers circulating in each such locality.

(7) Any notice of inquiry posted or published pursuant to paragraph (6) shall contain a statement of the date, time and place (or where a direction has been given under paragraph (3) above, the places) of the inquiry, and of the relevant section under which the scheme or order has been made, together with a sufficient description of the scheme or order to identify the location of the land to which they relate with or without reference to a specified map.

(8) Where an inquiry is to be held in more than one place paragraphs (2) to (7) shall apply to the second and any subsequent inquiry location.

Representation of Secretary of State at inquiry

11.—(1) The Secretary of State may be represented at the inquiry by counsel or solicitor or by an officer of his department or other person authorised by the Secretary of State to represent him.

(2) The Secretary of State shall make a representative available at the inquiry to give evidence in elucidation of the statement of case, and such representative shall be subject to cross-examination to the same extent as any other witness.

(3) Nothing in paragraph (2) shall require a representative of the Secretary of State to answer any question which in the opinion of the inspector is directed to the merits of government policy.

Representation of other government departments at inquiry

12.—(1) Where another government department has expressed in writing to the Secretary of State a view in support of the draft order or scheme and the Secretary of State has included that view in his statement of case, a representative of the department concerned shall be made available to attend the inquiry.

(2) Such representative shall at the inquiry state the reasons for the view expressed by his department and shall give evidence and be subject to cross-examination to the same extent as any other witness.

(3) Nothing in paragraph (2) shall require such a representative of a government department to answer any question which in the opinion of the inspector is directed to the merits of government policy.

Other appearances at inquiry

13.—(1) Every statutory objector shall be entitled to appear at the inquiry.

(2) Nothing in paragraph (1) shall prevent the inspector from permitting any other person to appear at the inquiry, and such permission shall not be unreasonably withheld.

(3) Any person entitled or permitted to appear may do so on his own behalf or be represented by counsel, solicitor or any other person.

(4) The inspector may allow one or more persons to appear on behalf of some or all of any persons having a similar interest in the matter under inquiry.

PART III

RULES APPLICABLE TO INQUIRIES IN CONNECTION WITH ORDERS OR SCHEMES MADE BY LOCAL HIGHWAY AUTHORITIES

Preliminary action to be taken by the Secretary of State

14.—(1) Where the Secretary of State intends to cause an inquiry to be held, he shall, not later than 4 weeks after the date specified in paragraph (2), give written notice of that intention to the promoting authority and to each statutory objector at the address furnished to the Secretary of State.

(2) The date referred to in paragraph (1) is the date of expiry of the period within which an objection to the order or scheme may be made.

Procedure where Secretary of State causes pre-inquiry meeting to be held

15.—(1) The Secretary of State may cause a pre-inquiry meeting (“a meeting”) to be held if it appears to him desirable and where he does so this rule applies.

(2) The Secretary of State shall serve with the relevant notice a notification of his intention to cause a meeting to be held.

(3) The promoting authority shall, not later than 3 weeks after the relevant date, publish in a local newspaper circulating in the locality in which the site or sites are situated or, if more than one, a local newspaper circulating in each such locality a notice of the Secretary of State’s intention to cause a meeting to be held.

(4) The promoting authority shall, not later than 8 weeks after the relevant date, serve on the Secretary of State and on each statutory objector an outline statement.

(5) When required by notice in writing from the Secretary of State to do so —

(a) any statutory objector, and

(b) any other person who has notified him of any intention or wish to appear at the inquiry, shall, within 8 weeks from the date of such notice, serve upon the Secretary of State, on the promoting authority and on any other person specified in such notice, an outline statement.

(6) A meeting shall be held not later than 16 weeks after the relevant date.

(7) The Secretary of State shall give not less than 3 weeks' written notice of the date, time and location of the meeting to the promoting authority, each statutory objector and any other person whose presence at the meeting seems to him to be desirable.

(8) The inspector shall preside at the meeting and shall determine the matters to be discussed and the procedure to be followed; and he may require any person present at the meeting who, in his opinion, is behaving in a disruptive manner to leave and may refuse to permit that person to return or to attend any further meeting, or may permit him to return or attend only on such conditions as he may specify.

(9) Where a meeting has been held pursuant to paragraph (1), the inspector may hold a further meeting. He shall arrange for such notice to be given of a further meeting as appears to him necessary and paragraph (8) shall apply to such a meeting.

Service of statements of case, etc

16.—(1) The promoting authority shall not later than —

(a) 6 weeks after the relevant date, or

- (b) where a pre-inquiry meeting is held pursuant to rule 15, 4 weeks after the conclusion of that meeting,
- serve a statement of case on the Secretary of State and on each statutory objector.
- (2) In addition to the statement of case served under paragraph (1) the promoting authority shall serve —
- (a) upon the Secretary of State a copy of every document or the relevant part of any document which he intends to refer to or put in evidence and of the notice mentioned in subparagraph (b) below, and
- (b) upon each statutory objector a notice giving the names of all places, within each area in which the proposals contained in the order or scheme are to have effect (or as close as reasonably possible to any such area), where a copy of every document or the relevant part of any document which the promoting authority intends to refer to or put in evidence may be inspected free of charge at all reasonable hours until the date of commencement of the inquiry.
- (3) When required by notice in writing from the Secretary of State to do so —
- (a) any statutory objector, or
- (b) any other person who has notified him of any intention or wish to appear at the inquiry,
- shall, within 6 weeks from the date of such notice, serve a statement of case on the Secretary of State and on the promoting authority.
- (4) In addition to the statement of case served under paragraph (3) every person mentioned in paragraph (3)(a) and (b) shall serve upon the Secretary of State and the promoting authority, if required by the Secretary of State to do so, a copy of every document or the relevant part of any document which such person intends to refer to or put in evidence.
- (5) The promoting authority shall supply a copy of the promoting authority's statement of case and of the notice mentioned in paragraph (2)(b) to any person who is not a statutory objector but who has been required to serve a statement of case under paragraph (3).
- (6) When required by notice in writing from the Secretary of State or the inspector to do so, any person who has served a statement of case in accordance with this rule shall provide such further information about the matters contained in the statement as the Secretary of State or the inspector may specify.
- (7) The promoting authority shall afford to any person who requests a reasonable opportunity to inspect and, where practicable and subject to payment by that person of a reasonable charge, take copies of any statement or document which, or a copy of which, has been served on or by him in accordance with any of the preceding paragraphs of this rule; and shall specify in his statement of case the time and place at which the opportunity will be afforded.

Further power of inspector to hold pre-inquiry meetings

- 17.—(1) Where no pre-inquiry meeting is held pursuant to rule 15, the inspector may hold one if he thinks it desirable.
- (2) The inspector shall arrange for not less than 3 weeks' written notice of a meeting pursuant to paragraph (1) to be given to the promoting authority, each statutory objector, any other person known at the date of the notice to be entitled to appear at the inquiry, and any other person whose presence at the meeting appears to him to be desirable.
- (3) Rule 15(8) shall apply to a meeting held under this rule.

Inquiry timetable

18.—(1) Where a pre-inquiry meeting is held pursuant to rule 15 the inspector shall, and in any other case may, subject to the provisions of rule 20(1), arrange a timetable for the proceedings at, or at part of, the inquiry and may at any time vary the timetable.

(2) An inspector may specify in a timetable arranged pursuant to this rule a date by which any proof of evidence and summary required by rule 23(1) to be sent to him shall be so sent.

Notification of appointment of assessor

19. Where the Secretary of State appoints an assessor, he shall notify the promoting authority and the statutory objectors of the assessor's name and of the matters on which he is to advise the inspector.

Date and notification of inquiry

20.—(1) The date fixed by the Secretary of State for the commencement of an inquiry shall be determined in consultation with the promoting authority but shall be:

- (a) not later than 22 weeks after the relevant date; or
- (b) in a case where a pre-inquiry meeting is held pursuant to rule 15, not later than 8 weeks after the conclusion of that meeting; or
- (c) where the Secretary of State is satisfied that in all the circumstances of the case it is impracticable to hold the inquiry within the applicable period mentioned in (a) or (b), the earliest practicable date after the end of that period.

(2) Unless the Secretary of State agrees a lesser period of notice with the promoting authority and each statutory objector, he shall give not less than 6 weeks' notice of the date, time and place fixed by him for the holding of an inquiry to every person specified in rule 22(1).

(3) The place at which the inquiry is to be held shall be determined by the Secretary of State in consultation with the promoting authority and where the Secretary of State is satisfied, having regard to the nature of the order or scheme, that it is reasonable to do so he may direct that it shall be held in more than one place.

(4) The Secretary of State may vary the date fixed for the commencement of an inquiry whether or not the revised date is within the applicable period mentioned in paragraph (1); and paragraph (2) shall apply to a variation of a date as it applied to the date originally fixed.

(5) The Secretary of State may vary the time or place for the holding of an inquiry and shall give such notice of any such variation as appears to him to be reasonable.

(6) Unless the Secretary of State otherwise directs, the promoting authority shall, not later than 2 weeks before the date fixed for the holding of an inquiry:

- (a) post a notice of the inquiry in a conspicuous place or (in the case of an order or scheme making provision for highway works more than 5 kilometres in length) at intervals of not more than 5 kilometres, on or as close as reasonably practicable to the site or, where more than one site is involved, to each site;
- (b) post a notice of the inquiry in one or more places where public notices are usually posted in the locality or localities concerned; and
- (c) publish a notice of the inquiry in one or more local newspapers circulating in the locality in which the site or sites are situated or, if more than one locality is concerned, in one or more newspapers circulating in each such locality.

(7) Any notice of inquiry posted or published pursuant to paragraph (6) shall contain a statement of the date, time and place (or where a direction has been given under paragraph (3) above, the

places) of the inquiry, and of the relevant section under which the scheme or order has been made, together with a sufficient description of the scheme or order to identify the location of the land to which they relate with or without reference to a specified map.

(8) Where an inquiry is to be held in more than one place paragraphs (2) to (7) shall apply to the second and any subsequent inquiry location.

Representatives of government departments at inquiry

21.—(1) Where a government department has expressed in writing to the promoting authority a view in support of the order or scheme and the promoting authority has included that view in its statement of case, a representative of the department concerned shall be made available to attend the inquiry.

(2) Such representative shall at the inquiry state the reasons for the view expressed by his department and shall give evidence and be subject to cross-examination to the same extent as any other witness.

(3) Nothing in paragraph (2) shall require such representative of a government department to answer any question which in the opinion of the inspector is directed to the merits of government policy.

Other appearances at inquiry

22.—(1) The promoting authority and every statutory objector shall be entitled to appear at the inquiry.

(2) Nothing in paragraph (1) shall prevent the inspector from permitting any other person to appear at the inquiry, and such permission shall not be unreasonably withheld.

(3) Any person entitled or permitted to appear may do so on his own behalf or be represented by counsel, solicitor or any other person.

(4) The inspector may allow one or more persons to appear on behalf of some or all of any persons having a similar interest in the matter under inquiry.

PART IV

RULES APPLICABLE TO ALL INQUIRIES

Proofs of evidence

23.—(1) A person entitled to appear at an inquiry who proposes to give, or to call another person to give, evidence at the inquiry by reading a proof of evidence shall send to the inspector and to the promoting authority a copy of the proof and (subject to paragraph (2) below) a written summary thereof.

(2) No written summary shall be required where the proof which it is proposed to read contains not more than 1,500 words.

(3) The proof and summary shall be sent to the inspector and the promoting authority not later than —

- (a) 3 weeks before the date fixed for the commencement of the inquiry, or
- (b) where a timetable has been arranged pursuant to rule 8 or 18, which specified a date by which the proof and summary shall be sent to the inspector, that date.

(4) Unless paragraph (2) applies, only the summary shall be read at the inquiry unless the inspector permits or requires otherwise.

(5) The promoting authority shall afford to any person who so requests a reasonable opportunity to inspect and, where practicable and on payment of a reasonable charge, take copies of any document sent to or by them in accordance with this rule.

Procedure at inquiry

24.—(1) Except as otherwise provided in these Rules, the inspector shall determine the procedure at an inquiry.

(2) Unless in any particular case the inspector with the consent of the promoting authority otherwise determines, the promoting authority shall begin and shall have the right of final reply. The other persons entitled or permitted to appear shall be heard in such order as the inspector may determine.

(3) Persons specified in rule 13(1) and 22(1) shall be entitled to call evidence, and the promoting authority and the statutory objectors shall be entitled to cross-examine persons giving evidence, but, subject to paragraphs (2), (4), (5) and (7), the calling of evidence and the cross-examination of persons giving evidence shall otherwise be at the inspector's discretion.

(4) The inspector 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 he considers to be irrelevant or repetitious but, where he refuses to permit the giving of oral evidence for these reasons, the person wishing to give evidence may submit to him in writing any such evidence or other matter before the close of the inquiry.

(5) Where a person gives evidence at an inquiry by reading a summary in accordance with rule 23(4), the proof referred to in rule 23(1) shall, unless the person required to provide the summary notifies the inspector that he now wishes to rely on the contents of that summary only, be treated as tendered in evidence, and the person whose evidence the proof contains shall then be subject to cross-examination on it to the same extent as if it were evidence he had given orally.

(6) The inspector may direct the promoting authority to provide facilities so that any person appearing at any inquiry may take or obtain copies of documentary evidence open to public inspection, subject to such a person paying to the promoting authority a reasonable charge for the provision of the facilities.

(7) The inspector may require any person appearing or present at an inquiry who, in his opinion, is behaving in a disruptive manner to leave and may refuse to permit that person to return, or may permit him to return only on such conditions as he may specify; but any such person may submit to him in writing any evidence or other matters before the close of the inquiry.

(8) The inspector may allow any person to alter or add to a statement of case served under rule 6 or 16 so far as may be necessary for the purposes of the inquiry; but he shall (if necessary by adjourning the inquiry) give every other person specified in rule 13(1) or 22(1) an adequate opportunity of considering any fresh matter or document introduced by the promoting authority.

(9) The inspector may proceed with an inquiry in the absence of any person entitled to appear at it.

(10) The inspector may take into account any written representation or evidence or any other document received by him from any person before an inquiry opens or during the inquiry, provided that he discloses it at the inquiry.

(11) The inspector may from time to time adjourn an inquiry and, if the date, time and place of the adjourned inquiry be announced at the inquiry before the adjournment, no further notice shall be required.

Site inspections

25.—(1) The inspector may make an unaccompanied inspection of any site to which the order or scheme relates before or during an inquiry without giving notice of his intention to the persons specified in rule 13(1) or 22(1).

(2) The inspector may, during an inquiry or after its close, inspect such a site in the company of a representative of the promoting authority and any statutory objector; and he shall make such an inspection if so requested by the promoting authority or by any statutory objector before or during an inquiry.

(3) In all cases where the inspector intends to make an inspection of the kind referred to in paragraph (2) he shall announce during the inquiry the date and time at which he proposes to make it.

(4) The inspector shall not be bound to defer an inspection of the kind referred to in paragraph (2) where any person mentioned in that paragraph is not present at the time appointed.

Procedure after inquiry

26.—(1) After the close of an inquiry, the inspector shall make a report in writing to the Secretary of State, which shall include his conclusions and his recommendations or his reasons for not making any recommendations.

(2) 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 he was appointed to advise.

(3) Where an assessor makes a report in accordance with paragraph (2), the inspector shall append it to his own report and shall state in his own report how far he agrees or disagrees with the assessor's report and, where he disagrees with the assessor, his reasons for that disagreement.

(4) If, after the close of an inquiry, the Secretary of State —

- (a) differs from the inspector on any matter of fact mentioned in, or appearing to him to be material to, a conclusion reached by the inspector, or
- (b) takes into consideration any new evidence or new matters of fact (not being a matter of government policy),

and is for that reason disposed to disagree with a recommendation made by the inspector, he shall not come to a decision which is at variance with that recommendation without first notifying such of the persons specified in rule 13(1) or 22(1) who appear to him to be likely to be affected thereby, and who appeared at the inquiry, of his disagreement and the reasons for it; and affording them an opportunity either of making written representations to him within 3 weeks of the date of the notification, or (if the Secretary of State has taken into consideration any new evidence or new matters of fact, not being a matter of government policy) of asking within that period for the reopening of the inquiry.

(5) The Secretary of State may, as he thinks fit, cause an inquiry to be reopened, and he shall do so if asked by the promoting authority (in a case where that authority is a local highway authority) or by a statutory objector in the circumstances and within the period mentioned in paragraph (4); and where an inquiry is reopened (whether by the same or a different inspector) —

- (a) the Secretary of State shall send to the persons specified in rule 13(1) or 22(1) who appeared at the inquiry a written statement of the matters with respect to which further evidence is invited; and
- (b) paragraphs (2) to (6) of rule 10 and paragraphs (2) to (7) of Rule 20 shall apply,
 - (i) as if references to an inquiry were references to a reopened inquiry, but with the substitution in paragraph (2) of “4 weeks” for “6 weeks”, and
 - (ii) as if the words “whether or not the revised date is within the applicable period mentioned in paragraph (1)” were omitted from paragraph (4).

Notification of decision

27.—(1) The Secretary of State shall notify his decision, and the reasons for it, in writing to the promoting authority (in a case where the promoting authority is a local highway authority), to the statutory objectors and to any other person who, having appeared at the inquiry, has asked to be notified of the decision.

(2) Where a copy of the inspector's report is not sent with the notification of the decision, the notification shall be accompanied by a statement of his conclusions and of any recommendations made by him; and if a person entitled to be notified of the decision has not received a copy of that report, he shall be supplied with a copy of it on written application made to the Secretary of State within 4 weeks of the date of the decision.

(3) In this rule "report" includes any assessor's report appended to the inspector's report but does not include any other documents so appended; but any person who has received a copy of the report may apply to the Secretary of State in writing within 6 weeks of the date of the Secretary of State's decision, for an opportunity of inspecting any such documents and the Secretary of State shall afford him that opportunity.

Allowing further time

28. The Secretary of State may at any time in any particular case allow further time for the taking of any step which is required or enabled to be taken by virtue of these Rules, and references in these Rules to a date by which, or a period within which, any step is required or enabled to be taken shall be construed accordingly.

Service of notices by post

29. Notices or documents required or authorised to be served or sent under any of the provisions of these Rules may be sent by post.

Revocation, savings and transitional

30.—(1) Subject to paragraph (2), the Highways (Inquiries Procedure) Rules 1976 ("the 1976 Rules")⁽⁵⁾ are revoked.

(2) The 1976 Rules shall continue to apply to any inquiry into an order or scheme in respect of which a notice of inquiry under rule 4 or 9 of the 1976 Rules has been given before the date on which these Rules come into force, but this paragraph shall not apply to any inquiry reopened by the Secretary of State after the coming into force of these Rules, pursuant to rule 15(3) of the 1976 Rules.

Dated 15th December 1994

Mackay of Clashfern, C.

Status: This is the original version (as it was originally made). UK
Statutory Instruments are not carried in their revised form on this site.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules regulate the procedures to be followed in England and Wales in respect of public local inquiries which are held in connection with schemes and orders proposed to be made by the Secretary of State or made by local highway authorities under Part II of the Highways Act 1980.

They replace the Highways (Inquiries Procedure) Rules 1976 (S.I.1976/721), which are revoked, subject to the transitional provisions contained in rule 30(2).

These Rules establish a detailed timetable for each procedural step, and provide for the submission of proofs of evidence in advance of the inquiry in addition to the regulation of matters relating to the conduct of the inquiry itself and to the notification of the Secretary of State's decision. Other new features include the regulation of pre-inquiry meetings and provisions relating to assessors, whom the Secretary of State may appoint to sit with and advise inspectors. There are also minor and drafting amendments, some of which are consequential upon the consolidation in 1980 of highways legislation.