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STATUTORY INSTRUMENTS

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**1994 No. 3263**

**The Highways (Inquiries Procedure) Rules 1994**

**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<sup>(1)</sup>;

“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;

“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

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(1) 1980 c. 66.

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(2);
- (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(3) in respect of the use of any of the highway works.

### **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.

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(2) [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).

(3) 1973 c. 26.

(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.