
STATUTORY INSTRUMENTS

2007 No. 2008

**The Rights of Way (Hearings and
Inquiries Procedure) (England) Rules 2007**

PART 2

INITIAL STAGES OF HEARING OR INQUIRY

Notice to be given by the Secretary of State

4.—(1) The Secretary of State shall give a notice which complies with paragraph (3) to the persons mentioned in paragraph (4).

(2) The notice shall be given as soon as practicable after an order has been submitted to the Secretary of State for confirmation in accordance with—

- (a) regulation 4 (procedure for public path orders) of the Town and Country Planning (Public Path Orders) Regulations 1993(1);
- (b) regulation 4 (procedure for orders) of the Public Path Orders Regulations 1993(2); or
- (c) regulation 7 (making, submission and confirmation of modification and reclassification orders) of, and Schedule 4 (additional provisions in relation to the making, submission and confirmation of modification and reclassification orders) to, the Wildlife and Countryside (Definitive Maps and Statements) Regulations 1993(3).

(3) The notice under paragraph (1) shall—

- (a) be dated, and such date shall be the “start date” for the purposes of these Rules;
- (b) state whether the consideration of the order will take the form of a hearing or inquiry;
- (c) state the date, time and place of the hearing or inquiry, as the case may be;
- (d) give a brief description of—
 - (i) the land to which the order the subject of the hearing or inquiry relates; and
 - (ii) the effect of the order;
- (e) state the address (including an e-mail address) to which communications about the hearing or inquiry are to be sent;
- (f) state the time and place where the documents relating to the hearing or inquiry are to be made available by the authority under rule 29(1) (inspection and copying of documents);
- (g) in the case of a hearing, explain the requirements of rule 6 (submission of statements of case for the hearing); and
- (h) in the case of an inquiry, explain the requirements of rule 17 (submission of statements of case for the inquiry) and rule 20 (proofs of evidence).

(1) S.I. 1993/10, to which there are amendments not relevant to these Rules.

(2) S.I. 1993/11, to which there are amendments not relevant to these Rules.

(3) S.I. 1993/12, to which there are amendments not relevant to these Rules.

- (4) Subject to paragraph (5), the notice under paragraph (1) shall be given to—
- (a) the authority;
 - (b) every person (in these Rules referred to as “the applicant”) who applied for an order under—
 - (i) section 118ZA (application for a public path extinguishment order) or 119ZA (application for a public path diversion order) of the 1980 Act(4);
 - (ii) sections 118C (application by a proprietor of a school for a special extinguishment order) and 119C (application by a proprietor of a school for a special diversion order) of the 1980 Act(5); or
 - (iii) section 53(5) of the 1981 Act (which relates to applications for a definitive map modification order);
 - (c) in the case of an order to which the provisions of Schedule 6 to the 1980 Act (provisions as to making, confirmation, validity and date of operation of certain orders relating to footpaths, bridleways and restricted byways) apply, every person who was required to be given notice of that order by paragraph 1(3)(b)(i), (ii) and (iv) of that Schedule(6);
 - (d) in the case of an order to which the provisions of Schedule 15 to the 1981 Act (procedure in connection with certain orders under Part III) apply, every person who was required to be given notice of that order by paragraph 3(2)(b)(i), (ii) and (iv) of that Schedule;
 - (e) in the case of an order to which the provisions of Schedule 14 to the 1990 Act (procedure for footpaths and bridleways orders) apply, every person who was required to be given notice of that order by paragraph 1(2)(b)(i) to (iii) and (v) of that Schedule(7); and
 - (f) every person (in these Rules referred to as a “relevant person”) who has duly made, and not withdrawn, any representation or objection referred to in paragraph 2(2) of Schedule 6 to the 1980 Act(8) (provisions as to making, confirmation, validity and date of operation of certain orders relating to footpaths, bridleways and restricted byways), paragraph 7(1) of Schedule 15 to the 1981 Act (procedure in connection with certain orders under Part III), or paragraph 3(1) of Schedule 14 to the 1990 Act (procedure for footpaths and bridleways orders), as the case may be.
- (5) Paragraph (4)(c), (d) and (e) (as the case may be) do not apply in the case of an order in respect of which the Secretary of State has given a direction to which this paragraph applies.
- (6) Paragraph (5) applies to—
- (a) a direction under paragraph 1(3C) of Schedule 6 to the 1980 Act(9) (provisions as to making, confirmation, validity and date of operation of certain orders relating to footpaths, bridleways and restricted byways) that it shall not be necessary to comply with paragraph 1(3)(b)(i) of that Schedule;

(4) Sections 118ZA and 119ZA were inserted into the 1980 Act by the Countryside and Rights of Way Act 2000, Schedule 6, paragraphs 7 and 10 respectively.

(5) Sections 118C and 119C were inserted into the 1980 Act by the Countryside and Rights of Way Act 2000, Schedule 6, paragraphs 8 and 12 respectively.

(6) Paragraph 1(3) of Schedule 6 to the 1980 Act was substituted by the Wildlife and Countryside Act 1981, Schedule 16, paragraph 6(2), and has been amended by the Housing Act 1988, Schedule 17, Part I. There has been another amendment to paragraph 1(3), which is not relevant to these Rules.

(7) Paragraph 1(2)(b) has been amended by the Statute Law (Repeals) Act 1995 (c.44) and the Environment Act 1995 (c.25), Schedule 10, paragraph 32(17)(a). There has been another amendment to paragraph 1(2)(b), which is not relevant to these Rules.

(8) Paragraph 2(2) of Schedule 6 to the 1980 Act was amended by the Countryside and Rights of Way Act 2000, Schedule 6, Pt I, paragraph 23(1) and (5)(b).

(9) Paragraph 1(3C) of Schedule 6 to the 1980 Act was inserted by the Wildlife and Countryside Act 1981, Schedule 16, paragraph 6(3).

- (b) a direction under paragraph 3(4) of Schedule 15 to the 1981 Act (procedure in connection with certain orders under Part III) that it shall not be necessary to comply with paragraph 3(2)(b)(i) of that Schedule; and
- (c) a direction under paragraph 1(6) of Schedule 14 to the 1990 Act⁽¹⁰⁾ (procedure for footpaths and bridleways orders) that it shall not be necessary to comply with paragraph 1(2)(b)(i) of that Schedule.

(7) Where the Secretary of State has given a direction referred to in paragraph (6), the authority shall give a notice complying with paragraph (3) addressed to “the owners and any occupiers” of the land in question, by affixing a copy or copies of the notice to some conspicuous object or objects on the land.

(8) The Secretary of State shall ensure that a copy of the notice given by him under paragraph (1) is available for inspection on a website maintained by him until the hearing or inquiry is completed and the decision is notified under Part 3 or Part 4 (as the case may be).

⁽¹⁰⁾ Paragraph 1(6) of Schedule 14 to the 1990 Act was amended by the Environment Act 1995, section 78, Schedule 10, paragraph 32(17)(b).

Changes to legislation:

There are currently no known outstanding effects for the The Rights of Way (Hearings and Inquiries Procedure) (England) Rules 2007, PART 2.