

**2013 No. 1987**

**TRIBUNALS AND INQUIRIES, ENGLAND AND WALES**

**The Electricity (Necessary Wayleaves and Felling and Lopping  
of Trees) (Hearing Procedures) (England and Wales) Rules 2013**

<i>Made</i> - - - -	<i>14th August 2013</i>
<i>Laid before Parliament</i>	<i>19th August 2013</i>
<i>Coming into force</i> - -	<i>1st October 2013</i>

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The Lord Chancellor makes the following Rules in exercise of the powers conferred by section 9 of the Tribunals and Inquiries Act 1992(a).

In accordance with that section the Lord Chancellor has consulted with the Administrative Justice and Tribunals Council.

## PART 1 Preliminary

### **Citation, commencement and extent**

1.—(1) These Rules may be cited as the Electricity (Necessary Wayleaves and Felling and Lopping of Trees) (Hearing Procedures) (England and Wales) Rules 2013 and come into force on 1st October 2013.

(2) These Rules extend to England and Wales.

### **Interpretation**

2. In these Rules—

“the 1989 Act” means the Electricity Act 1989(b);

“applicant” means the person making a relevant application;

“document” includes a photograph, map or plan;

“electric line” has the meaning given in section 64 of the 1989 Act;

“further inspector's report” has the meaning given in rule 15(4)(b);

“inspector” means a person appointed by the Secretary of State to carry out the matters in rule 6(2) or rule 8(2);

“inspector's report” has the meaning given in rule 14;

“necessary wayleave” has the meaning given in paragraph 6(1) of Schedule 4 to the 1989 Act;

“notice” means a notice in writing;

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(a) 1992 c.53; section 9(3A) was inserted by the Tribunals, Courts and Enforcement Act 2007 (c.15), section 48(1) and paragraphs 23 and 28 of Schedule 8; section 9(4) was amended by S.I. 1999/678; section 9(5) was inserted by the Planning etc. (Scotland) Act 2006 (asp 17); section 9(6) was inserted by S.I. 2010/976.

(b) 1989 c.29.

“objector” means any owner or occupier of land to whom the Secretary of State is obliged by virtue of paragraph 6(5) or paragraph 9(6) of Schedule 4 to the 1989 Act to give an opportunity of being heard;

“oral hearing procedure” means the procedure set out in Part 3;

“party” means the applicant or an objector;

“pre-hearing meeting” has the meaning given by rule 10(1);

“procedure notice” has the meaning given in rule 3(6);

“relevant application” means—

(a) an application made under paragraph 6(3) of Schedule 4 to the 1989 Act, or

(b) a reference made under paragraph 9(5) of Schedule 4 to the 1989 Act;

“relevant land” means the land in respect of which a relevant application is made;

“representations” means representations in writing;

“statement of evidence” means a written statement which contains particulars of the party’s case, and in the case of the applicant’s statement of evidence complies with rule 4(3) or 11(4) as applicable;

“supporting documents” has the meaning given in rule 12(9);

“working day” means any day other than a Saturday, Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971(a); and

“written representations procedure” means the procedure set out in Part 2.

### **Application of the written representations procedure or the oral hearing procedure**

**3.**—(1) Where an applicant makes a relevant application to the Secretary of State, the applicant must send to each objector a copy of the relevant application together with copies of any documents submitted with the relevant application.

(2) On receipt of a relevant application, the Secretary of State must give notice to each party to seek that party’s consent for the written representations procedure to apply in respect of the determination of the application.

(3) A party may consent to the application of the written representations procedure by giving notice of that consent to the Secretary of State by the 30th working day after the date of the notice given under paragraph (2) (“the consent date”).

(4) The written representations procedure applies where—

(a) by the consent date, the Secretary of State has in respect of each party—

(i) received a notice under paragraph (3); or

(ii) not received a reply to the notice given under paragraph (2); and

(b) the Secretary of State considers that there are no exceptional circumstances which require an oral hearing to be held.

(5) Unless the written representations procedure applies, the oral hearing procedure applies in respect of the determination of the relevant application.

(6) As soon as practicable after the consent date, the Secretary of State must give notice to each party whether the written representations procedure or the oral hearing procedure applies in respect of the determination of the relevant application (“the procedure notice”).

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(a) 1971 c.80.

## PART 2

### Written representations procedure

#### Statements of evidence

4.—(1) Where the written representations procedure applies, each party may submit a statement of evidence to the Secretary of State.

(2) The Secretary of State may disregard any statement of evidence received after the 30th working day after the date of the procedure notice (“the submission date”).

(3) The applicant’s statement of evidence must—

- (a) in the case of an application made under paragraph 6(3) of Schedule 4 to the 1989 Act—
  - (i) describe the location of the proposed or existing electric line by reference to a map; and
  - (ii) state why the applicant considers that it is necessary or expedient for the applicant to install and keep installed (or to keep installed, as the case may be) the electric line on, under or over the relevant land and the reasons why it would be appropriate for the Secretary of State to grant a necessary wayleave; or
- (b) in the case of a reference made under paragraph 9(5) of Schedule 4 to the 1989 Act—
  - (i) describe the location of the electric line and the trees to be felled or lopped by reference to a map; and
  - (ii) state why the applicant considers that it would be appropriate for the Secretary of State to make an order for the felling or lopping of such trees.

(4) The Secretary of State must give each party notice that in respect of each other party a statement of evidence—

- (a) has not been received by the submission date;
- (b) has been received by the submission date;
- (c) has been received after the submission date and the Secretary of State has decided it is to be disregarded; or
- (d) has been received after the submission date but the Secretary of State has decided it is to be taken into account.

(5) Where paragraph (4)(b) or (4)(d) applies, the notice must include a copy of the statement of evidence.

(6) Subject to paragraph (7), a notice under paragraph (4) must be given as soon as practicable after the submission date.

(7) If the Secretary of State receives a statement of evidence from each party before the submission date, the Secretary of State may comply with paragraph (4)(b) before the submission date.

#### Further representations

5.—(1) Where a notice is given under rule 4(4)(b) or (d), a party may make representations to the Secretary of State in respect of a statement of evidence made by another party.

(2) The Secretary of State may disregard any representations received after the 10th working day after the date of the notice given under rule 4(4)(b) or (d) (“the further submission date”).

(3) The Secretary of State must give each party notice that in respect of each other party representations—

- (a) have not been received by the further submission date;
- (b) have received by the further submission date;

- (c) have been received after the further submission date and the Secretary of State has decided they are to be disregarded; or
  - (d) have been received after the further submission date but the Secretary of State has decided they are to be taken into account.
- (4) Where paragraph (3)(b) or (3)(d) applies, the notice must include a copy of the representations.
- (5) Subject to paragraph (6), a notice under paragraph (3) must be given as soon as practicable after the further submission date.
- (6) If the Secretary of State receives representations from each party entitled to make representation under paragraph (1) before the further submission date, the Secretary of State may comply with paragraph (3)(b) before the further submission date.

### **Appointment of inspector for written representations procedure**

- 6.**—(1) Where the written representations procedure applies, the Secretary of State must appoint an inspector.
- (2) Subject to paragraph (4), an inspector must—
- (a) consider the relevant evidence; and
  - (b) submit the inspector’s report.
- (3) As soon as practicable after the appointment of an inspector, the Secretary of State must—
- (a) provide to the inspector the relevant evidence; and
  - (b) give notice to each party of the name of the inspector.
- (4) If an inspector (“A”) is unable or unwilling to carry out the matters in paragraph (2), the Secretary of State may in respect of the matters which have not been carried out—
- (a) discharge A as an inspector; and
  - (b) appoint a replacement inspector.
- (5) In this rule, “the relevant evidence” means—
- (a) the statements of evidence in respect of which a notice is given under rule 4(4)(b) or (d);
  - (b) the representations in respect of which a notice is given under rule 5(3)(b) or (d); and
  - (c) the further information in respect of which a notice is given under rule 7(4)(b) or (d).

### **Further information requested by the inspector**

- 7.**—(1) The inspector may give notice to any party to request that party to provide such further information in respect of the relevant application as may be specified in the notice and by the date specified in the notice (“the further information date”).
- (2) The further information date must be the same in each notice given under paragraph (1).
- (3) The inspector may disregard any further information received by the inspector after the further information date.
- (4) The inspector must give each party notice that in respect of each other party further information—
- (a) has not been received by the further information date;
  - (b) has been received by the further information date;
  - (c) has been received after the further information date and the inspector has decided it is to be disregarded; or
  - (d) has been received after the further information date but the inspector has decided it is to be taken into account.
- (5) Where paragraph (4)(b) or (4)(d) applies, the notice must include a copy of the further information.

(6) Subject to paragraph (7), a notice under paragraph (4) must be given as soon as practicable after the further information date.

(7) If the inspector receives further information from each party to whom a notice has been given under paragraph (1) before the further information date, the Secretary of State may comply with paragraph (4)(b) before the further information date.

(8) The inspector must send a copy of any notice given under this rule to the Secretary of State.

## PART 3

### Oral hearing procedure

#### **Appointment of inspector for oral hearing procedure**

**8.**—(1) Where the oral hearing procedure applies, the Secretary of State must appoint an inspector.

(2) Subject to paragraph (4), an inspector must—

- (a) conduct the oral hearing; and
- (b) submit the inspector's report.

(3) As soon as practicable after the appointment of an inspector, the Secretary of State must give notice to each party of the name of the inspector.

(4) If an inspector ("A") is unable or unwilling to carry out the matters in paragraph (2), the Secretary of State may in respect of the matters which have not been carried out—

- (a) discharge A as an inspector; and
- (b) appoint a replacement inspector.

#### **Notification of oral hearing date**

**9.**—(1) The inspector must determine the date, time and location of the oral hearing and give notice of those matters to the Secretary of State.

(2) As soon as practicable after receiving notice from the inspector under paragraph (1), the Secretary of State must give notice to each party of the date, time and location of the oral hearing.

(3) The notice under paragraph (2) must be given not less than 15 working days before the oral hearing, unless otherwise agreed by the Secretary of State with each party and the inspector.

(4) Where the inspector determines that it is necessary or desirable to vary the date, time or location of an oral hearing, the inspector must give notice of the variation to the Secretary of State.

(5) The notice under paragraph (4) must be given as soon as practicable after the inspector makes the determination.

(6) As soon as practicable after receipt of a notice under paragraph (4), the Secretary of State must give notice of the variation to each party.

#### **Pre-hearing meeting**

**10.**—(1) The inspector may hold a meeting ("a pre-hearing meeting") in advance of an oral hearing where the inspector considers that it may result in the oral hearing being conducted more efficiently and expeditiously.

(2) Where the inspector decides to hold a pre-hearing meeting, the inspector must—

- (a) draft a timetable for the proceedings at the oral hearing; and
- (b) determine a proposed date by which the statements of evidence under rule 11(1) are to be provided in default of which they may be disregarded.

(3) The inspector may—

- (a) subject to paragraph (4), decide the matters to be dealt with at the pre-hearing meeting; and
- (b) decide to conduct the pre-hearing meeting by—
  - (i) attendance of the parties in person; or
  - (ii) subject to paragraph (5), video or telephone with the parties.

(4) The matters to be dealt with at the pre-hearing meeting must include seeking agreement of the parties to the matters described in paragraph (2).

(5) The inspector may not conduct a pre-hearing meeting by video or telephone with the parties unless the inspector is satisfied that such a form of meeting would not prejudice any of the parties.

(6) Where the inspector decides to hold a pre-hearing meeting, the inspector must give notice to the Secretary of State—

- (a) of the time and date of the pre-hearing meeting;
- (b) whether the pre-hearing meeting is to be attended in person by the parties or to be conducted by video or telephone;
- (c) in the case of a pre-hearing meeting to be attended in person by the parties, the location of the pre-hearing meeting;
- (d) in the case of a pre-hearing meeting to be conducted by video or telephone, the means by which the parties may participate in the pre-hearing meeting.

(7) The pre-hearing meeting must take place at least 30 working days before the oral hearing, but the inspector and the parties may agree to a period of less than 30 working days.

(8) As soon as practicable after receipt of a notice under paragraph (6), the Secretary of State must give notice to each party of the matters contained in that notice.

(9) The inspector may determine the procedure at the pre-hearing meeting.

(10) Where the pre-hearing meeting includes a matter on which agreement is sought and agreement cannot be reached, the decision of the inspector applies in respect of that matter.

(11) Where the inspector considers that a person (“A”) is behaving in a disruptive manner during a pre-hearing meeting, the inspector may—

- (a) in the case of a pre-hearing meeting attended by the parties in person—
  - (i) require A to leave; and
  - (ii) refuse to permit A to return, or permit A to return only on such conditions as the inspector may specify;
- (b) in the case of a pre-hearing meeting conducted by video or telephone with the parties—
  - (i) terminate A’s connection to the pre-hearing meeting; and
  - (ii) refuse to permit A to re-join the pre-hearing meeting, or permit A to re-join only on such conditions as the inspector may specify.

(12) As soon as practicable after the pre-hearing meeting, the inspector must give notice to each party and the Secretary of State of—

- (a) the timetable for the proceedings at the oral hearing; and
- (b) the date by which the statements of evidence under rule 11(1) are to be provided in default of which they may be disregarded.

### **Statements of evidence**

**11.**—(1) Each party may submit a statement of evidence to the inspector.

(2) The inspector may disregard any statement of evidence received—

- (a) where a pre-hearing meeting has been held, after the date notified under rule 10(12)(b);
- (b) where a pre-hearing meeting has not been held, after the 10th working day before the date of the oral hearing.

(3) Where a party submits a statement of evidence to the inspector, the party must at the same time send a copy of the statement of evidence to each other party and to the Secretary of State.

(4) The applicant's statement of evidence must—

- (a) in the case of an application made under paragraph 6(3) of Schedule 4 to the 1989 Act—
  - (i) describe the location of the proposed or existing electric line by reference to a map; and
  - (ii) state why the applicant considers that it is necessary or expedient for the applicant to install and keep installed (or to keep installed, as the case may be) the electric line on, under or over the relevant land and the reasons why it would be appropriate for the Secretary of State to grant a necessary wayleave; or
- (b) in the case of a reference made under paragraph 9(5) of Schedule 4 to the 1989 Act—
  - (i) describe the location of the electric line and the trees to be felled or lopped by reference to a map; and
  - (ii) state why the applicant considers that it would be appropriate for the Secretary of State to make an order for the felling or lopping of such trees.

(5) Where the inspector decides to disregard any statement of evidence under paragraph (2), the inspector must give notice to each party and to the Secretary of State that the statement of evidence is to be disregarded.

### **Procedure at oral hearing**

12.—(1) Subject to paragraph (3), the oral hearing must take place in public.

(2) A party may request the inspector to hold the oral hearing in private.

(3) The inspector may agree to a request received under paragraph (2) if the inspector considers that to hold the oral hearing in private would not prejudice any of the parties.

(4) The parties are entitled to appear at an oral hearing and may be represented by counsel, a solicitor or any other person (including any other person entitled to appear).

(5) Subject to paragraph (8), a party may give, or call another person to give, oral evidence, and may cross-examine persons giving evidence.

(6) Unless the inspector otherwise determines, the applicant is entitled to give the first and final oral evidence at the oral hearing.

(7) The inspector may determine the order in which the objectors are to give oral evidence at the oral hearing.

(8) The inspector may at any stage during the course of an oral hearing refuse to permit—

- (a) the giving or production of evidence; or
- (b) the cross-examination of any person,

which the inspector considers to be irrelevant or repetitious.

(9) Each party may submit documents to the inspector during the oral hearing in support of that party's oral evidence ("supporting documents").

(10) A party that submits supporting documents under paragraph (9) must provide a copy of those supporting documents to each other party.

(11) The inspector may disregard any supporting documents which the inspector considers to be irrelevant or repetitious or where the party submitting them does not comply with paragraph (10).

(12) Where the inspector considers that a person ("A") is behaving in a disruptive manner during the oral hearing, the inspector may—

- (a) require A to leave the oral hearing; and
- (b) refuse to permit A to return, or permit A to return only on such conditions as the inspector may specify.

(13) Where A is—



- (a) required to leave the oral hearing;
- (b) entitled to give oral evidence under paragraph (5); and
- (c) has not given that evidence before A was required to leave,

A may submit representations to the inspector before the close of the oral hearing.

(14) The inspector may from time to time adjourn an oral hearing and determine the date, time and place of the adjourned oral hearing.

(15) Where an oral hearing is adjourned, the inspector must give the parties reasonable notice of the date, time and place of the adjourned hearing, unless that information is given at the oral hearing before it is adjourned.

(16) The inspector may proceed with the oral hearing in the absence of any party, and in such case the inspector must take into account any oral evidence or statement of evidence provided by that party before the close of the oral hearing in so far as the inspector considers such evidence to be relevant to the matters in issue.

(17) Except as otherwise provided by this rule, the inspector may determine the procedure at the oral hearing.

## PART 4

### Site inspection, inspector's report, additional procedure and decisions

#### Site inspection

**13.**—(1) At any stage before the inspector's report is submitted to the Secretary of State, the inspector may inspect the relevant land—

- (a) unaccompanied and without giving notice to the parties; or
- (b) accompanied by the parties after giving reasonable notice to each party of the proposed date and time of such inspection.

(2) The inspector is not required to postpone an inspection of the kind referred to in paragraph (1)(b) because a party is not present.

(3) The inspector must inspect the relevant land if—

- (a) requested by any party before or during the written representations procedure or oral hearing procedure; and
- (b) the inspector considers that it is necessary in order to determine the relevant application.

(4) Nothing in this rule entitles or requires the inspector (or those accompanying the inspector, where applicable) to access land in order to make an inspection where such access would be unlawful.

#### Inspector's report

**14.** The inspector must as soon as practicable after the end of the written representations procedure, or the close of the oral hearing, as applicable, make a report ("an inspector's report") in writing to the Secretary of State which includes—

- (a) the inspector's findings of fact and recommendations, or the inspector's reasons for not making any recommendations; and
- (b) any supporting documents submitted to the inspector under rule 12(9), including any supporting documents disregarded under rule 12(11).

#### Additional procedure and further inspector's report

**15.**—(1) After receipt of the inspector's report, the Secretary of State may direct the inspector in respect of the matters set out in the direction—

- (a) where the written representations procedure applied, to re-open the written representations procedure or to conduct the oral hearing procedure; or
  - (b) where the oral hearing procedure applied, to re-open the oral hearing procedure or to conduct the written representations procedure.
- (2) A direction given under paragraph (1) may require the written representations procedure or the oral hearing procedure, as appropriate, to apply in respect of the matters set out in the direction with such modifications as the Secretary of State considers appropriate.
- (3) The Secretary of State must give a copy of a direction given under paragraph (1) to the parties as soon as practicable after the direction is given.
- (4) Where a direction is given under paragraph (1), the inspector must—
- (a) comply with that direction as soon as practicable after it is given; and
  - (b) as soon as practicable after the re-opened procedure is completed, make a further report (“a further inspector’s report”) to the Secretary of State which includes—
    - (i) the matters in rule 14(a); and
    - (ii) to the extent that they have not already been provided to the Secretary of State, the documents referred to in rule 14(b).
- (5) The Secretary of State may make a further direction under paragraph (1) after receipt of a further inspector’s report.

### **Decisions**

**16.—**(1) The Secretary of State must comply with paragraph (2) as soon as practicable after receipt of the inspector’s report or the further inspector’s report and the Secretary of State has decided not to make a direction or further direction under rule 15(1).

- (2) The Secretary of State must—
- (a) give a notice to each party which includes—
    - (i) the Secretary of State’s decision to grant or refuse the relevant application and the reasons for that decision; and
    - (ii) if it has not already been provided, a copy of the inspector’s report and any further inspector’s report; or
  - (b) where rule 17 applies, comply with that rule.

### **Decisions after the opportunity to make representations**

**17.—**(1) This rule applies where—

- (a) the Secretary of State—
  - (i) differs from the inspector on a finding of fact; or
  - (ii) receives any new evidence (including expert opinion on a matter of fact) or takes into consideration any new issue of fact (not being a matter of government policy) which the inspector did not consider; and
- (b) because of the matters in sub-paragraph (a), the Secretary of State is disposed to disagree with any recommendation made by the inspector in the inspector’s report or further inspector’s report.

(2) Where this rule applies, the Secretary of State must give a notice to each party which includes—

- (a) a statement that the Secretary of State is disposed to disagree with one or more of the inspector’s recommendations;
- (b) the reasons for such disagreement;
- (c) where it has not already been provided, a copy of the inspector’s report and any further inspector’s report;

- (d) a statement that each party may make representations to the Secretary of State by the 15th working day after the date of the notice in respect of the reasons referred to in sub-paragraph (b) (“the statement closing date”); and
  - (e) where sub-paragraph (a)(ii) applies, the new evidence or new issue of fact described in that rule.
- (3) As soon as practicable after the statement closing date, the Secretary of State must give a notice to each party which includes—
- (a) the Secretary of State’s decision to grant or refuse the relevant application and the reasons for that decision; and
  - (b) how the Secretary of State has taken into account any representations received in accordance with paragraph (2)(d).

## PART 5

### Miscellaneous

#### **Allowing further time**

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

#### **Service of notices or documents**

- 19.**—(1) Any notice or document to be provided under these Rules may be sent—
- (a) by pre-paid post, document exchange or hand delivery to the address specified in paragraph (2); or
  - (b) by fax, email or other electronic transmission in accordance with paragraph (4).
- (2) Subject to paragraph (3), the address for the purposes of paragraph (1)(a) is—
- (a) in the case of the Secretary of State, the address of the office of the Secretary of State;
  - (b) in the case of the inspector, the address notified by the inspector to each of the parties;
  - (c) in the case of an incorporated company or other body registered in the United Kingdom, the address of the registered or principal office of the company or body or any alternative address notified by that company or body to the Secretary of State and all other parties for the purposes of provision of documents;
  - (d) in the case of any other person, body or authority, the usual or last known address of that person, body or authority.
- (3) The Secretary of State, the inspector and each party may assume that the address provided by a party or its representative is and remains the address to which documents should be sent or delivered until receiving written notification to the contrary and an alternative address for communications.
- (4) Subject to paragraph (5), if a party provides a fax number, email address or other details for the electronic transmission of documents to them, that party must accept delivery of documents by that method.
- (5) If a party informs the Secretary of State and all other parties that a particular form of communication, other than pre-paid post or delivery by hand, should not be used to provide documents to that party, that form of communication must not be used.
- (6) If the Secretary of State or a party sends a document to another party or to the Secretary of State by email or any other electronic means of communication, the recipient may request as soon

as reasonably practicable after receiving the document electronically that the sender provide a hard copy of the document to the recipient.

(7) Where any document provided under these Rules refers to other documents, the party must send with it a copy of the whole or the relevant parts of such documents (unless such documents have already been provided).

(8) In any case where the Secretary of State or the inspector is required to send a party documents submitted by another party, the Secretary of State or the inspector (as applicable) may instead direct the submitting party to send such documents to the receiving party.

(9) Unless the Secretary of State otherwise permits, where a document provided for the purposes of the proceedings is (or contains) a map, plan, drawing or photograph, any copy provided of that map, plan or drawing must be in the same colours as the map, plan, drawing or photograph of which it is a copy.

### **Revocation and transitional provision**

**20.**—(1) Subject to paragraph (2), the Electricity (Compulsory Wayleaves) (Hearings Procedure) Rules 1967(a) (“the 1967 Rules”) are revoked in respect of England and Wales.

(2) The 1967 Rules continue to apply in relation to any relevant application submitted before the date on which these Rules come into force.

On the authority of the Lord Chancellor

14th August 2013

*Damian Green*  
Minister of State  
Ministry of Justice

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(a) S.I. 1967/450.

## EXPLANATORY NOTE

*(This note is not part of the Rules)*

The Secretary of State has power to grant a necessary wayleave to enable an electricity company to install and keep installed an electric line on, under or over any land in accordance with paragraph 6(1) of Schedule 4 to the Electricity Act 1989 (c.29) (“the 1989 Act”). Before granting the necessary wayleave, the Secretary of State must afford the owner or occupier of the land an opportunity of being heard (paragraph 6(5) of Schedule 4). Where a tree or shrub is in close proximity to an electric line, the Secretary of State may also make an order to empower an electricity company to cause the tree or shrub to be felled or lopped and to determine the compensation to be paid (paragraph 9(6) of Schedule 4). Before making such an order the Secretary of State must give the parties an opportunity of being heard.

These Rules, which apply in relation to England and Wales, set out the written representations procedure or oral hearing procedure to be followed in respect of an application for a necessary wayleave or a reference for an order for the felling or lopping of trees or shrubs.

Rule 3 sets out the criteria which determine whether the written representations procedure or the oral hearing procedure applies.

Rule 4 provides for the submission of statements of evidence for the written representations procedure. Rule 5 provides for the submission of further representations following the exchange of statements of evidence. Rule 6 provides for the appointment of an inspector to consider the relevant evidence and submit a report to the Secretary of State. Rule 7 provides that the inspector may request further information from the parties.

Rule 8 provides for the appointment of an inspector to conduct the oral hearing and submit a report to the Secretary of State. Rule 9 provides for the notification of the oral hearing date. Rule 10 provides for a pre-hearing meeting to be held where the inspector considers that it may result in the oral hearing being conducted more efficiently and expeditiously; the pre-hearing meeting may be conducted by video or telephone if the inspector considers appropriate. Rule 11 provides for the exchange of statements of evidence before the oral hearing. Rule 12 sets out the procedure for the oral hearing.

Rule 13 provides that the inspector may make a site inspection of the relevant land. Rule 14 deals with the inspector’s report to the Secretary of State. Rule 15 provides that the Secretary of State may direct that the written representations procedure or oral hearing is re-opened, in which case the inspector is to make a further inspector’s report. Rule 16 deals with the Secretary of State’s decision on the relevant application. Rule 17 provides for circumstances where the Secretary of State must take into account representations from the parties before making a decision.

Rule 18 provides that the Secretary of State or the inspector may allow further time for anything done under the Rules. Rule 19 deals with the service of notices or documents. Rule 20(1) provides that the Electricity (Compulsory Wayleaves) (Hearing Procedures) Rules 1967 (S.I. 1967/450) (“the 1967 Rules”) are revoked in respect of England and Wales. The 1967 Rules continue to apply in respect of Scotland. Rule 20(2) provides that the 1967 Rules continue to apply in respect of an application submitted before the date that these Rules come into force.

An impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector has been placed in the Library of each House of Parliament and is annexed to the Explanatory Memorandum. Copies of the impact assessment are available on the gov.uk website.

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