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WELSH STATUTORY INSTRUMENTS

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**2004 No. 3240**

**The High Hedges (Appeals) (Wales) Regulations 2004**

**Procedure at a hearing**

17.—(1) Except as otherwise provided in these Regulations, the appointed person may determine the procedure at a hearing.

(2) A hearing is to take the form of a discussion led by the appointed person and cross-examination is not to be permitted unless the appointed person considers that it is required to ensure proper examination of the issues relevant to the appeal.

(3) At the start of the hearing, the appointed person must identify the issues which appear to the appointed person to be the main issues to be considered at the hearing and any matters on which the appointed person requires further explanation from any person entitled or permitted to take part.

(4) Nothing in paragraph (3) is to preclude any person entitled or permitted to take part in the hearing from referring to issues which they consider relevant to the consideration of the appeal but which were not issues identified by the appointed person pursuant to that paragraph.

(5) A person entitled to take part in a hearing may, subject to the provisions contained in this regulation, call evidence, but the calling of evidence is otherwise at the appointed person's discretion.

(6) The appointed person may refuse to permit the giving of oral evidence or the presentation of any other matter which the appointed person considers to be irrelevant or repetitious but, where the appointed person refuses to permit the giving of oral evidence, the person wishing to give the evidence may submit any evidence or other matter in writing to the appointed person before the close of the hearing.

(7) The appointed person may—

- (a) require any person attending or taking part in a hearing who, in the opinion of the appointed person, is behaving in a disruptive manner to leave; and
- (b) refuse to permit that person to return or permit that person to return only on such conditions as the appointed person may specify,

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

(8) The appointed person may allow any person to alter or add to a statement so far as may be necessary for the purposes of the hearing, but the appointed person must (if necessary by adjourning the hearing) give every other person entitled to, and who does, take part in the hearing an adequate opportunity of considering any fresh matter or document.

(9) The appointed person may proceed with a hearing in the absence of any person entitled or permitted to take part in it.

(10) The appointed person may take into account any written representation or evidence or any other document which the appointed person has received from any person before a hearing opens or during the hearing provided that the appointed person discloses it at the hearing.

(11) The appointed person may from time to time adjourn a hearing and, if the date, time and place of the adjourned hearing are announced at the hearing before the adjournment, no further notice is required.