

SCHEDULE 5

Regulation 17(2)

PROCEDURE FOR INQUIRIES

Notice of inquiry session and specified matters

1.—(1) Where the reporter determines that an inquiry is to be held the reporter must give notice in writing to that effect to—

- (a) the parties,
- (b) any other person from whom the reporter wishes to hear in relation to specified matters at the inquiry.

(2) Within 14 days of the date of receiving a notice under paragraph (1) anyone intending to appear at the inquiry must inform the reporter of that intention in writing.

(3) A notice sent under paragraph 1(1)(b) must include—

- (a) confirmation that if parties do not reply to the reporter in terms of paragraph (2) they will not be entitled to appear at the inquiry,
- (b) details of a website in which copies of everything submitted to the reporter under regulations 6(2), 8(2), 10(3)(d) and 12 can be inspected.

Appearances at inquiry

2. The parties entitled to appear at an inquiry are those who have informed the reporter of their intention to appear under paragraph 1(2).

Date and notification of inquiry

3.—(1) The reporter must fix the date and time for the holding of the inquiry and the manner in which the inquiry will be conducted, including its location (if appropriate), all or any of which may subsequently be varied by the reporter.

(2) The reporter must give those entitled to appear at the inquiry written notice of—

- (a) the date and time fixed for the holding of the inquiry,
- (b) the manner of the holding of the inquiry, including its location, if appropriate,

and any subsequent variation thereof.

Precognitions

4.—(1) Where required to do so by notice in writing given by the reporter, the initiating party or any party who submitted a response under regulation 8 must, by the date specified in the notice, send to—

- (a) the reporter,
- (b) any person the reporter specifies in the notice,

a precognition in respect of any evidence to be given to the inquiry by a person included in the list of witnesses referred to in regulation 6(2)(e)(ii) or regulation 8(2)(e)(ii).

(2) The local authority proposing to make the scheme are, until such time as the inquiry is concluded, to afford to any person who so requests a reasonable opportunity to inspect and, where practicable, take copies of—

- (a) any document referred to in regulations 6, 8, 10(3)(d) and 12,
- (b) any precognition referred to in sub-paragraph (1).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(3) A precognition must not, unless the reporter agrees, contain more than 2000 words.

(4) In this paragraph “precognition” means a written statement of the evidence which it is proposed that a witness will give to the inquiry.

Procedure at inquiry

5.—(1) Except as otherwise provided in this schedule, the procedure at an inquiry is as the reporter determines.

(2) The reporter is, having considered any submission by the parties entitled to appear at the inquiry, to state at or before the commencement of the inquiry the procedure which the reporter proposes to adopt and in particular is to state—

- (a) the order in which the matters within the scope of the examination are to be considered at the inquiry, and
- (b) the order in which the persons entitled to appear at the inquiry session are to be heard in relation to a matter within the scope of the examination (a different order may be chosen for different matters).

(3) Any party entitled to appear at an inquiry may do so on their own behalf or be represented by another person.

(4) Where there are two or more parties having a similar interest in the matter under inquiry, the reporter may allow one or more parties to appear on behalf of some or all of those parties.

(5) Any party entitled to appear at the inquiry is entitled to call evidence, to cross-examine persons giving evidence and to make closing statements.

(6) But the reporter 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 the reporter considers to be irrelevant or repetitious.

(7) The reporter may proceed with an inquiry session in the absence of any party entitled to appear at the inquiry.

(8) The reporter may from time to time adjourn the inquiry and, if the date, time and place of the adjourned inquiry are announced before the adjournment, no further notice is to be required, otherwise paragraph 3 applies as it applies to the variation of the date, time or place at which an inquiry session is to be held.