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STATUTORY INSTRUMENTS

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**1974 No. 2040**

**The Health and Safety Licensing Appeals  
(Hearings Procedure) Rules 1974**

**Procedure after hearing where the appointed person is to determine the appeal**

**10.**—(1) Where the appointed person has been directed to determine the appeal on behalf of the Secretary of State and, after the close of the hearing, proposes to take into consideration any new evidence (including expert opinion on a matter of fact) or any new issue of fact (not being a matter of government policy or a matter affecting the safety of the State) which was not raised at the hearing and which he considers to be material to his decision, he shall not come to a decision without first notifying the parties of the substance of the new evidence or of the new issue of fact and affording them an opportunity of making representations thereon in writing within 21 days or of asking within that time for the re-opening of the hearing.

(2) The appointed person may in any case, if he thinks fit, cause the hearing to be re-opened and shall cause it to be re-opened if asked to do so in accordance with the foregoing paragraph; and if the hearing is re-opened, rule 4(1) and (3) shall apply as it applied to the original hearing with the substitution in paragraph (1) of “28” for “42”, and with the substitution for references to the Secretary of State, wherever they occur, of references to the appointed person.