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STATUTORY INSTRUMENTS

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**1994 No. 3263**

**The Highways (Inquiries Procedure) Rules 1994**

**PART II**

**RULES APPLICABLE TO INQUIRIES IN CONNECTION WITH ORDERS  
OR SCHEMES PROPOSED TO BE MADE BY THE SECRETARY OF STATE**

**Preliminary action to be taken by the Secretary of State**

4.—(1) Where the Secretary of State intends to cause an inquiry to be held, he shall, not later than 4 weeks after the date specified in paragraph (2), give written notice of that intention to each statutory objector at the address furnished to the Secretary of State.

(2) The date referred to in paragraph (1) above is the date of expiry of the period within which an objection to the draft order or scheme may be made.

**Procedure where Secretary of State causes pre-inquiry meeting to be held**

5.—(1) The Secretary of State may cause a pre-inquiry meeting (“a meeting”) to be held if it appears to him desirable and where he does so this rule applies.

(2) The Secretary of State shall serve with the relevant notice a notification of his intention to cause a meeting to be held.

(3) The Secretary of State shall, not later than 3 weeks after the relevant date, publish in a local newspaper circulating in the locality in which the site or sites are situated or, if more than one locality, a local newspaper circulating in each such locality, a notice of the Secretary of State’s intention to cause a meeting to be held.

(4) The Secretary of State shall, not later than 8 weeks after the relevant date, serve on each statutory objector his outline statement.

(5) When required by notice in writing from the Secretary of State to do so —

(a) any statutory objector, and

(b) any other person who has notified the Secretary of State of any intention or wish to appear at the inquiry,

shall, within 8 weeks of the date of such notice, serve upon the Secretary of State and on any other person specified in such notice, an outline statement.

(6) A meeting shall be held not later than 16 weeks after the relevant date.

(7) The Secretary of State shall give not less than 3 weeks' written notice of the date, time and location of the meeting to each statutory objector and any other person whose presence at the meeting seems to him to be desirable.

(8) The inspector shall preside at the meeting and shall determine the matters to be discussed and the procedure to be followed; and he may require any person present at the meeting who, in his opinion, is behaving in a disruptive manner to leave and may refuse to permit that person to return

or to attend any further meeting, or may permit him to return or attend only on such conditions as he may specify.

(9) Where a meeting has been held pursuant to paragraph (1), the inspector may hold a further meeting. He shall arrange for such notice to be given of a further meeting as appears to him necessary and paragraph (8) shall apply to such a meeting.

**Service of statements of case, etc**

6.—(1) The Secretary of State shall not later than —

- (a) 6 weeks after the relevant date, or
- (b) where a pre-inquiry meeting is held pursuant to rule 5, 4 weeks after the conclusion of that meeting,

serve his statement of case on each statutory objector.

(2) In addition to the statement of case served under paragraph (1) the Secretary of State shall serve upon each statutory objector a notice giving the names of all places, within each area in which the proposals contained in the order or scheme are to have effect (or as close as reasonably possible to any such area), where a copy of every document or the relevant part of any document which he intends to refer to or put in evidence may be inspected free of charge at all reasonable hours until the date of commencement of the inquiry.

(3) When required by notice in writing from the Secretary of State to do so —

- (a) any statutory objector, or
- (b) any other person who has notified him of an intention or wish to appear at the inquiry,

shall within 6 weeks from the date of such notice serve a statement of case on the Secretary of State.

(4) In addition to the statement of case served under paragraph (3) every person mentioned in paragraph 3(a) and (b) shall serve upon the Secretary of State a copy of every document or the relevant part of any document which such person intends to refer to or put in evidence.

(5) The Secretary of State shall supply a copy of his statement of case and of the notice mentioned in paragraph (2) to any person who is not a statutory objector but has been required to serve a statement of case under paragraph (3).

(6) When required by notice in writing from the Secretary of State or the inspector to do so, any person who has served a statement of case in accordance with this rule shall provide such further information about the matters contained in the statement as the Secretary of State or the inspector may specify.

(7) The Secretary of State shall afford to any person who so requests a reasonable opportunity to inspect and, where practicable and subject to payment by that person of a reasonable charge, take copies of any statement or document which, or a copy of which, has been served on or by him in accordance with any of the preceding paragraphs of this rule; and shall specify in his statement of case the time and place at which the opportunity will be afforded.

**Further power of inspector to hold pre-inquiry meetings**

7.—(1) Where no pre-inquiry meeting is held pursuant to rule 5, the inspector may hold one if he thinks it desirable.

(2) The inspector shall arrange for not less than 3 weeks' written notice of a meeting pursuant to paragraph (1) to be given to the Secretary of State, each statutory objector, any other person known at the date of the notice to be entitled to appear at the inquiry, and any other person whose presence at the meeting appears to him to be desirable.

(3) Rule 5(8) shall apply to a meeting held under this rule.

### **Inquiry timetable**

**8.**—(1) Where a pre-inquiry meeting is held pursuant to rule 5 the inspector shall, and in any other case may, subject to the provisions of rule 10(1), arrange a timetable for the proceedings at, or at part of, the inquiry and may at any time vary the timetable.

(2) An inspector may specify in a timetable arranged pursuant to this rule a date by which any proof of evidence and summary required by rule 23(1) to be sent to him shall be so sent.

### **Notification of appointment of assessor**

**9.** Where the Secretary of State appoints an assessor, he shall notify the statutory objectors of the assessor's name and of the matters on which he is to advise the inspector.

### **Date and notification of inquiry**

**10.**—(1) The date fixed by the Secretary of State for the commencement of an inquiry shall be determined by him but shall be:

- (a) not later than 22 weeks after the relevant date; or
- (b) in a case where a pre-inquiry meeting is held pursuant to rule 5, not later than 8 weeks after the conclusion of that meeting; or
- (c) where the Secretary of State is satisfied that in all the circumstances of the case it is impracticable to hold the inquiry within the applicable period mentioned in (a) or (b), the earliest practicable date after the end of that period.

(2) Unless the Secretary of State agrees a lesser period of notice with each statutory objector, he shall give not less than 6 weeks' notice of the date, time and place fixed by him for the holding of an inquiry to every person specified in rule 13(1).

(3) The place at which the inquiry is to be held shall be determined by the Secretary of State and where he is satisfied, having regard to the nature of the draft order or scheme, that it is reasonable to do so he may direct that it shall be held in more than one place.

(4) The Secretary of State may vary the date fixed for the commencement of an inquiry whether or not the revised date is within the applicable period mentioned in paragraph (1); and paragraph (2) shall apply to a variation of a date as it applied to the date originally fixed.

(5) The Secretary of State may vary the time or place for the holding of an inquiry and shall give such notice of any such variation as appears to him to be reasonable.

(6) The Secretary of State shall, not later than 2 weeks before the date fixed for the holding of an inquiry:

- (a) post a notice of the inquiry in a conspicuous place or (in the case of an order or scheme making provision for highway works more than 5 kilometres in length) at intervals of not more than 5 kilometres, on or as close as reasonably practicable to the site or, where more than one site is involved, to each site;
- (b) post a notice of the inquiry in one or more places where public notices are usually posted in the locality or localities concerned; and
- (c) publish a notice of the inquiry in one or more local newspapers circulating in the locality in which the site or sites are situated or, if more than one locality is concerned, in one or more newspapers circulating in each such locality.

(7) Any notice of inquiry posted or published pursuant to paragraph (6) shall contain a statement of the date, time and place (or where a direction has been given under paragraph (3) above, the places) of the inquiry, and of the relevant section under which the scheme or order has been made,

together with a sufficient description of the scheme or order to identify the location of the land to which they relate with or without reference to a specified map.

(8) Where an inquiry is to be held in more than one place paragraphs (2) to (7) shall apply to the second and any subsequent inquiry location.

#### **Representation of Secretary of State at inquiry**

**11.**—(1) The Secretary of State may be represented at the inquiry by counsel or solicitor or by an officer of his department or other person authorised by the Secretary of State to represent him.

(2) The Secretary of State shall make a representative available at the inquiry to give evidence in elucidation of the statement of case, and such representative shall be subject to cross-examination to the same extent as any other witness.

(3) Nothing in paragraph (2) shall require a representative of the Secretary of State to answer any question which in the opinion of the inspector is directed to the merits of government policy.

#### **Representation of other government departments at inquiry**

**12.**—(1) Where another government department has expressed in writing to the Secretary of State a view in support of the draft order or scheme and the Secretary of State has included that view in his statement of case, a representative of the department concerned shall be made available to attend the inquiry.

(2) Such representative shall at the inquiry state the reasons for the view expressed by his department and shall give evidence and be subject to cross-examination to the same extent as any other witness.

(3) Nothing in paragraph (2) shall require such a representative of a government department to answer any question which in the opinion of the inspector is directed to the merits of government policy.

#### **Other appearances at inquiry**

**13.**—(1) Every statutory objector shall be entitled to appear at the inquiry.

(2) Nothing in paragraph (1) shall prevent the inspector from permitting any other person to appear at the inquiry, and such permission shall not be unreasonably withheld.

(3) Any person entitled or permitted to appear may do so on his own behalf or be represented by counsel, solicitor or any other person.

(4) The inspector may allow one or more persons to appear on behalf of some or all of any persons having a similar interest in the matter under inquiry.