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STATUTORY INSTRUMENTS

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**1994 No. 3264**

**TRIBUNALS AND INQUIRIES**

**The Compulsory Purchase by Ministers  
(Inquiries Procedure) Rules 1994**

*Made* - - - - *15th December 1994*  
*Laid before Parliament* *20th December 1994*  
*Coming into force* - - *10th January 1995*

The Lord Chancellor, in exercise of the powers conferred on him by section 9 of the Tribunals and Inquiries Act 1992(1), and all other powers enabling him in that behalf, and after consultation with the Council on Tribunals, hereby makes the following Rules:—

**Citation and commencement**

1. These Rules may be cited as the Compulsory Purchase by Ministers (Inquiries Procedure) Rules 1994 and shall come into force on 10th January 1995.

**Interpretation**

2. In these Rules, unless the context otherwise requires, references to sections and Schedules are references to sections and Schedules of the Acquisition of Land Act 1981(2) and:

“assessor” means a person appointed by the Minister to sit with an inspector at an inquiry or reopened inquiry to advise the inspector on such matters arising as the Minister may specify;

“document” includes a photograph, map or plan;

“inquiry” means a local inquiry in relation to which these Rules apply;

“inspector” means a person appointed by the Minister to hold an inquiry or a reopened inquiry;

“land” means the land to which the order relates or, where a right over land is proposed to be acquired, the land over which such a right would be exercised;

“the Minister” means the Minister of the Crown who has, in accordance with the provisions of Schedule 1, prepared in draft an order authorising the compulsory purchase of land by him;

“order” means a compulsory purchase order as defined in section 7;

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(1) 1992 c. 53.  
(2) 1981 c. 67.

“outline statement” means in relation to a person a written statement of the principal submissions which that person proposes to put forward at an inquiry;

“pre-inquiry meeting” means a meeting held before an inquiry to consider what may be done with a view to securing that the inquiry is conducted efficiently and expeditiously, and where two or more such meetings are held references to the conclusion of a pre-inquiry meeting are references to the conclusion of the final meeting;

“relevant date” means the date of the Minister’s notice under rule 4; and

“relevant notice” means that notice;

“statement of case” means a written statement containing full particulars of the case which a person proposes to put forward at an inquiry (including where that person is the Minister the reasons for making the order), and a list of any documents which that person intends to refer to or put in evidence;

“statutory objector” means any objector on whom the Minister is obliged by virtue of paragraph 3(1) of Schedule 1 to serve a notice of the draft order and whose objection has not been withdrawn.

### **Application of Rules**

3. These Rules shall apply to inquiries held under the provisions of paragraph 4(2) of Schedule 1.

### **Preliminary action to be taken by the Minister**

4. Where the Minister intends to cause an inquiry to be held, he shall, not later than 4 weeks after the expiry of the time within which objections to the draft order may be made, give written notice to each statutory objector of that intention at the address furnished to the Minister.

### **Procedure where the Minister causes pre-inquiry meeting to be held**

- 5.—(1) The Minister may cause a pre-inquiry meeting (“a meeting”) to be held if it appears to him desirable and where he does so the following paragraphs apply.

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

- (3) The Minister shall, not later than 3 weeks after the relevant date, cause to be published in a newspaper circulating in the locality in which the land is situated a notice of his intention to cause a meeting to be held.

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

- (5) The Minister may by notice in writing require—

- (a) any statutory objector, and

- (b) any other person who has notified the Minister of any intention or wish to appear at the inquiry

within 8 weeks of the date of such notice to serve on him 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 Minister 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 Minister 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 Minister shall serve upon each statutory objector a notice giving the names of all places, as close as reasonably possible to the land, 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) The Minister may by notice in writing require—

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

within 6 weeks from the date of such notice to serve a statement of case on him, and on any other person specified in such notice.

(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 Minister 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 Minister shall supply a copy of his statement of case to any person who is not a statutory objector but has been required to serve a statement of case under paragraph (3).

(6) The Minister or an inspector may require any person who has served a statement of case in accordance with this rule to provide such further information about the matters contained in the statement as he may specify.

(7) The Minister shall afford to any person who so requests a reasonable opportunity to inspect and, where practicable, take copies of any statement or document which, or a copy of which, has been served on or by the Minister in accordance with any of the preceding paragraphs of this rule; and shall specify in the statement served in accordance with paragraph (1) 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 Minister, 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 an 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 14(1) to be sent to him shall be so sent.

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

9. Where the Minister appoints an assessor, he shall notify every person entitled to appear at the inquiry of the name of the assessor and of the matters on which he is to advise the inspector.

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

10.—(1) The date fixed by the Minister for the holding of an inquiry 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 Minister 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 Minister 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 statutory objector.

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

(4) The Minister may vary the date fixed for the holding of an inquiry whether or not the date as varied 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 Minister shall, not later than 2 weeks before the date fixed for the holding of an inquiry, post a notice of the inquiry in a conspicuous place near to the land or (where the land extends for more than 5 kilometres) at intervals of not more than 5 kilometres and also in one or more places where public notices are usually posted in the locality.

(6) The Minister shall, not later than 14 days before the date fixed for the holding of the inquiry, publish in one or more of the newspapers circulating in the locality in which the land is situated a notice of the inquiry.

(7) Any notice of inquiry posted or published pursuant to paragraph (5) or

(6) shall contain a clear statement of the date, time and place of the inquiry, and of the powers under which the order has been made, together with a sufficient description of the land to identify approximately its location without reference to the map referred to in the order.

### **Representation of Minister at inquiry**

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

(2) The Minister 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 Minister 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 made a statement or representation in writing in support of the draft order and the Minister has included that statement 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.

### **Proofs of evidence**

**14.**—(1) A person entitled to appear at an inquiry who proposes to give, or to call another person to give, evidence at the inquiry by reading a proof of evidence shall send to the inspector and to the Minister a copy of the proof and (subject to paragraph (2) below) a written summary thereof.

(2) No written summary shall be required where the proof which it is proposed to read contains not more than 1500 words.

(3) The proof and summary shall be sent to the inspector and the Minister not later than—

(a) 3 weeks before the date fixed for the commencement of the inquiry, or

(b) where a timetable has been arranged pursuant to rule 8 which specifies a date by which the proof and summary shall be sent to the inspector, that date.

(4) Unless paragraph (2) applies, only the summary shall be read at the inquiry unless the inspector permits or requires otherwise.

(5) The Minister shall afford to any person who so requests a reasonable opportunity to inspect and, where practicable and on payment of a reasonable charge, take copies of any document, sent to or by him in accordance with this rule.

### **Procedure at inquiry**

**15.**—(1) Except as otherwise provided in these Rules, the inspector shall determine the procedure at an inquiry.

(2) Unless in any particular case the inspector with the consent of the Minister otherwise determines, the Minister shall begin and shall have the right of final reply; and the other persons entitled or permitted to appear shall be heard in such order as the inspector may determine.

(3) A person entitled to appear at an inquiry shall be entitled to call evidence, and the Minister and the statutory objectors shall be entitled to cross-examine persons giving evidence, but, subject to paragraphs (2), (4), (5) and (7), the calling of evidence and the cross-examination of persons giving evidence shall otherwise be at the inspector's discretion.

(4) The inspector 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 he considers to be irrelevant or repetitious; but where he refuses to permit the giving of oral evidence, the person wishing to give the evidence may submit to him any evidence or other matters in writing before the close of the inquiry.

(5) Where a person gives evidence at an inquiry by reading a summary in accordance with rule 14(4), the proof of evidence referred to in rule 14(1) shall, unless the person required to supply the summary notifies the inspector that he now wishes to rely on the contents of the summary only, be treated as tendered in evidence, and the person whose evidence the proof contains shall then be subject to cross-examination on it to the same extent as if it were evidence he had given orally.

(6) The inspector may direct that the Minister shall afford to any person appearing at an inquiry a reasonable opportunity to inspect and, where practicable and on payment of a reasonable charge, take copies of any document sent to or by him in accordance with this rule.

(7) The inspector may require any person appearing or present at an inquiry who, in his opinion, is behaving in a disruptive manner to leave and may refuse to permit that person to return, or may permit him to return only on such conditions as he may specify; but any such person may submit to him any evidence or other matters in writing before the close of the inquiry.

(8) The inspector may allow any person to alter or add to a statement of case served under rule 6 so far as may be necessary for the purposes of the inquiry; but he shall (if necessary by adjourning the inquiry) give every other person entitled to appear who is appearing at the inquiry an adequate opportunity of considering any fresh matter or document introduced by the Minister.

(9) The inspector may proceed with an inquiry in the absence of any person entitled to appear at it.

(10) The inspector may take into account any written representation or evidence or any other document received by him from any person before an inquiry opens or during the inquiry, provided that he discloses it at the inquiry. (11) The inspector may from time to time adjourn an inquiry and, if the date, time and place of the adjourned inquiry are announced at the inquiry before the adjournment, no further notice shall be required.

### **Site inspections**

**16.—**(1) The inspector may make an unaccompanied inspection of the land before or during an inquiry without giving notice of his intention to the persons entitled to appear at the inquiry.

(2) The inspector may, during an inquiry or after its close, inspect the land in the company of a representative of the Minister and any statutory objector; and he shall make such an inspection if so requested by a representative of the Minister or by any such objector before or during an inquiry.

(3) In all cases where the inspector intends to make an inspection of the kind referred to in paragraph (2) he shall announce during the inquiry the date and time at which he proposes to make it.

(4) The inspector shall not be bound to defer an inspection of the kind referred to in paragraph (2) where any person mentioned in that paragraph is not present at the time appointed.

### **Procedure after inquiry**

17.—(1) After the close of an inquiry, the inspector shall make a report in writing to the Minister which shall include his conclusions and his recommendations or his reasons for not making any recommendations.

(2) Where an assessor has been appointed, he may, after the close of the inquiry, make a report in writing to the inspector in respect of the matters on which he was appointed to advise.

(3) Where an assessor makes a report in accordance with paragraph (2), the inspector shall append it to his own report and shall state in his own report how far he agrees or disagrees with the assessor's report and, where he disagrees with the assessor, his reasons for that disagreement.

(4) If, after the close of an inquiry, the Minister—

- (a) differs from the inspector on any matter of fact mentioned in, or appearing to him to be material to, a conclusion reached by the inspector, or
- (b) takes into consideration any new evidence or new matters of fact, (not being a matter of government policy)—

and is for that reason disposed to disagree with a recommendation made by the inspector, he shall not come to a decision which is at variance with that recommendation without first notifying the persons entitled to appear at the inquiry who appeared at it of his disagreement and the reasons for it; and affording them an opportunity of making written representations to him within 21 days of the date of the notification, or (if the Minister has taken into consideration any new evidence or new matter of fact, not being a matter of government policy) of asking within that period for the reopening of the inquiry.

(5) The Minister may, as he thinks fit, cause an inquiry to be reopened to afford an opportunity for persons to be heard on such matters relating to the order as he may specify, and he shall do so if asked by a statutory objector in the circumstances and within the period mentioned in paragraph (4); and where an inquiry is reopened (whether by the same or a different inspector)—

- (a) the Minister shall send to the persons entitled to appear at the inquiry who appeared at it a written statement of the specified matters, and
- (b) paragraphs (2) to (7) of rule 10 shall apply as if references to an inquiry were references to a reopened inquiry, but with the substitution in paragraph (2) of “4 weeks” for “6 weeks”.

### **Notification of decision**

18.—(1) The Minister shall notify his decision on the draft order and his reasons therefor in writing to:

- (a) each statutory objector;
- (b) any person entitled to appear at the inquiry who did appear thereat; and
- (c) any other person who, having appeared at the inquiry, has asked to be notified of the decision.

(2) Where a copy of the inspector's report is not sent with the notification of the decision, the notification shall be accompanied by a copy of his conclusions and of any recommendations made by him; and if a person entitled to be notified of the decision has not received a copy of that report, he shall be supplied with a copy of it on written application made to the Minister within 4 weeks of the date of the decision.

(3) In this rule “report” includes any assessor's report appended to the inspector's report but does not include any other documents so appended; but any person who has received a copy of the report may apply to the Minister in writing, within 6 weeks of the publication of the notice of making of the order pursuant to paragraph 6 of Schedule 1, for an opportunity of inspecting any such documents and the Minister shall afford him that opportunity.

### **Allowing further time**

**19.** The Minister may at any time in any particular case allow further time for the taking of any step which is to be taken by virtue of these Rules, and references in these Rules to a day by which, or a period within which, any step is to be taken shall be construed accordingly.

### **Service of notices by post**

**20.** Notices or documents required or authorised to be served or sent under any of the provisions of these Rules may be sent by post.

### **Revocation, savings and transitional**

**21.—(1)** Subject to paragraph (2), the Compulsory Purchase by Ministers (Inquiries Procedure) Rules 1967(3) (“the 1967 Rules”) are revoked.

(2) The 1967 Rules shall continue to apply to any inquiry or hearing into a draft order in respect of which a notice of inquiry under rule 4 of the 1967 Rules has been given before the date on which these Rules come into force, but this paragraph shall not apply to any inquiry reopened by the Minister after the coming into force of these Rules, pursuant to rule 11(3) of the 1967 Rules.

Dated 15th December 1994

*Mackay of Clashfern, C*



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## EXPLANATORY NOTE

*(This note is not part of the Rules) These Rules regulate the procedures to be followed in England and Wales in respect of public local inquiries which are held in connection with compulsory purchase orders which have been published in draft by Ministers under section 2(3) of and Schedule 1 to the Acquisition of Land Act 1981.*

They replace the Compulsory Purchase by Ministers (Inquiries Procedure) Rules 1967 ([S. I.1967/720](#)), which are revoked (subject to the transitional provisions contained in rule 21(2)) and generally contain similar procedures to those laid down in the Highways (Inquiries Procedure) Rules 1994 ([S. I.1994/3263](#)).

These Rules establish a detailed timetable for each procedural step, and provide for the admission of proofs of evidence in advance of the inquiry in addition to the regulation of matters relating to the conduct of the inquiry itself and to the notification of the Minister's decision.