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STATUTORY INSTRUMENTS

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**2007 No. 2008**

**The Rights of Way (Hearings and  
Inquiries Procedure) (England) Rules 2007**

**PART 3**

**HEARINGS**

**Site inspections and adjourning the hearing to the land**

**10.**—(1) The inspector may make an unaccompanied inspection of the land to which the order relates before or during the hearing without giving notice of his intention to the persons entitled or permitted to appear at the hearing.

(2) During the hearing or after its close, the inspector—

- (a) may inspect the land to which the order relates in the company of the authority and any person entitled or permitted to appear at the hearing; and
- (b) shall make such an inspection if so requested before or during the hearing by the authority or any person entitled or permitted to appear at the hearing.

(3) The inspector shall not be required to make more than one inspection under paragraph (2)(b).

(4) In all cases where the inspector intends to make an accompanied inspection under paragraph (2), he shall announce during the hearing the date and time at which he proposes to make it.

(5) The inspector shall not be bound to defer an inspection in the event that any person entitled or permitted to appear at the hearing is not present at the appointed time.

(6) Where it appears to the inspector that one or more matters would be more satisfactorily resolved by adjourning the hearing to the land to which the order relates, he may adjourn the hearing to that land and may conclude the hearing there, provided he is satisfied that—

- (a) the hearing would proceed satisfactorily and that no person entitled or permitted to appear at the hearing would be placed at a disadvantage; and
- (b) no person entitled or permitted to appear at the hearing has raised any reasonable objection to the hearing being continued on that land.

(7) Nothing in this rule—

- (a) entitles or requires the inspector (or those accompanying him, where applicable) to access land in order to make an inspection or to continue a hearing where such access would be unlawful; or
- (b) requires the inspector to access land to make an inspection where making such an inspection would not, in the inspector's opinion, be expedient for reasons of safety.

(8) For the purposes of paragraph (7)(a), access is lawful on any occasion if the inspector (and those accompanying him, where applicable) may access the land on that occasion without committing an offence or trespassing on the land.