
STATUTORY INSTRUMENTS

2007 No. 2008

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

PART 4

INQUIRIES

Site inspections and adjourning the inquiry to the land

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

(2) During the inquiry 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 inquiry; and
- (b) shall make such an inspection if so requested before or during the inquiry by the authority or any person entitled or permitted to appear at the inquiry.

(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 inquiry 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 inquiry 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 inquiry to the land to which the order relates, he may adjourn the inquiry to that land and may conclude the inquiry there, provided he is satisfied that—

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

Changes to legislation:

There are currently no known outstanding effects for the The Rights of Way (Hearings and Inquiries Procedure) (England) Rules 2007, Section 22.