
EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules set out the procedures for hearings and inquiries afforded or caused to be held by the Secretary of State in connection with the confirmation, or modification and confirmation, of certain disputed orders (“rights of way orders”) made by certain local authorities, relating to the creation of footpaths, bridleways and restricted byways, the modification of the definitive map and statement (relating to certain public rights of way), and the stopping up, diversion or extinguishment of footpaths, bridleways and restricted byways.

Rule 4 relates to the initial stages of a hearing or inquiry and provides for notification in relation to the hearing or inquiry to be given by the Secretary of State to the authority which made the order, to any applicant for the order, to every person who has made (and not withdrawn) representations or objections to the order and to certain other persons required to be notified in consequence of the 1980 Act, the 1981 Act or the 1990 Act.

Part 3 of these Rules (rules 5 to 14) sets out the procedure for hearings afforded by the Secretary of State and includes provision for submission of statements of case for the hearing (rule 6), appearances at the hearing (rule 8) and site inspections and adjourning the hearing to the land (rule 10).

Part 4 of these Rules (rules 15 to 26) sets out the procedure for inquiries caused to be held by the Secretary of State and includes provision for pre-inquiry meetings (rule 15), submission of statements of case for the inquiry (rule 17), appearances at the inquiry (rule 19), proofs of evidence (rule 20) and site inspections and adjourning the inquiry to the land (rule 22).

Part 5 of these Rules (rule 27) sets out the procedures for hearings and inquiries resulting from a proposal by the Secretary of State to modify a rights of way order.

Part 6 of these Rules (rules 28 to 32) relates to general matters and includes provision for allowing further time for taking steps under the Rules (rule 28), inspection and copying of documents (rule 29) and the use of electronic communications (rule 31).

Rule 32 (transitional provision) provides that these Rules do not apply to any hearing or inquiry held in relation to an order submitted to the Secretary of State for confirmation before the coming into force of these Rules.

A full regulatory impact assessment of the effect that these Rules will have on the costs of business and voluntary sectors has been prepared and placed in the libraries of both Houses of Parliament, and copies may be obtained from the Sponsorship, Landscape & Recreation Division, Rights of Way Branch (SLR5), Department for Environment, Food and Rural Affairs, Zone 1/02, Temple Quay House, 2 The Square, Bristol BS1 6EB.

Changes to legislation:

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