
STATUTORY INSTRUMENTS

2013 No. 1987

The Electricity (Necessary Wayleaves and Felling and Lopping of Trees) (Hearing Procedures) (England and Wales) Rules 2013

PART 2

Written representations procedure

Statements of evidence

4.—(1) Where the written representations procedure applies, each party may submit a statement of evidence to the Secretary of State.

(2) The Secretary of State may disregard any statement of evidence received after the 30th working day after the date of the procedure notice (“the submission date”).

(3) The applicant’s statement of evidence must—

- (a) in the case of an application made under paragraph 6(3) of Schedule 4 to the 1989 Act—
 - (i) describe the location of the proposed or existing electric line by reference to a map; and
 - (ii) state why the applicant considers that it is necessary or expedient for the applicant to install and keep installed (or to keep installed, as the case may be) the electric line on, under or over the relevant land and the reasons why it would be appropriate for the Secretary of State to grant a necessary wayleave; or

- (b) in the case of a reference made under paragraph 9(5) of Schedule 4 to the 1989 Act—
 - (i) describe the location of the electric line and the trees to be felled or lopped by reference to a map; and
 - (ii) state why the applicant considers that it would be appropriate for the Secretary of State to make an order for the felling or lopping of such trees.

(4) The Secretary of State must give each party notice that in respect of each other party a statement of evidence—

- (a) has not been received by the submission date;
- (b) has been received by the submission date;
- (c) has been received after the submission date and the Secretary of State has decided it is to be disregarded; or
- (d) has been received after the submission date but the Secretary of State has decided it is to be taken into account.

(5) Where paragraph (4)(b) or (4)(d) applies, the notice must include a copy of the statement of evidence.

(6) Subject to paragraph (7), a notice under paragraph (4) must be given as soon as practicable after the submission date.

(7) If the Secretary of State receives a statement of evidence from each party before the submission date, the Secretary of State may comply with paragraph (4)(b) before the submission date.

Further representations

5.—(1) Where a notice is given under rule 4(4)(b) or (d), a party may make representations to the Secretary of State in respect of a statement of evidence made by another party.

(2) The Secretary of State may disregard any representations received after the 10th working day after the date of the notice given under rule 4(4)(b) or (d) (“the further submission date”).

(3) The Secretary of State must give each party notice that in respect of each other party representations—

- (a) have not been received by the further submission date;
- (b) have received by the further submission date;
- (c) have been received after the further submission date and the Secretary of State has decided they are to be disregarded; or
- (d) have been received after the further submission date but the Secretary of State has decided they are to be taken into account.

(4) Where paragraph (3)(b) or (3)(d) applies, the notice must include a copy of the representations.

(5) Subject to paragraph (6), a notice under paragraph (3) must be given as soon as practicable after the further submission date.

(6) If the Secretary of State receives representations from each party entitled to make representation under paragraph (1) before the further submission date, the Secretary of State may comply with paragraph (3)(b) before the further submission date.

Appointment of inspector for written representations procedure

6.—(1) Where the written representations procedure applies, the Secretary of State must appoint an inspector.

(2) Subject to paragraph (4), an inspector must—

- (a) consider the relevant evidence; and
- (b) submit the inspector’s report.

(3) As soon as practicable after the appointment of an inspector, the Secretary of State must—

- (a) provide to the inspector the relevant evidence; and
- (b) give notice to each party of the name of the inspector.

(4) If an inspector (“A”) is unable or unwilling to carry out the matters in paragraph (2), the Secretary of State may in respect of the matters which have not been carried out—

- (a) discharge A as an inspector; and
- (b) appoint a replacement inspector.

(5) In this rule, “the relevant evidence” means—

- (a) the statements of evidence in respect of which a notice is given under rule 4(4)(b) or (d);
- (b) the representations in respect of which a notice is given under rule 5(3)(b) or (d); and
- (c) the further information in respect of which a notice is given under rule 7(4)(b) or (d).

Further information requested by the inspector

7.—(1) The inspector may give notice to any party to request that party to provide such further information in respect of the relevant application as may be specified in the notice and by the date specified in the notice (“the further information date”).

(2) The further information date must be the same in each notice given under paragraph (1).

(3) The inspector may disregard any further information received by the inspector after the further information date.

(4) The inspector must give each party notice that in respect of each other party further information—

(a) has not been received by the further information date;

(b) has been received by the further information date;

(c) has been received after the further information date and the inspector has decided it is to be disregarded; or

(d) has been received after the further information date but the inspector has decided it is to be taken into account.

(5) Where paragraph (4)(b) or (4)(d) applies, the notice must include a copy of the further information.

(6) Subject to paragraph (7), a notice under paragraph (4) must be given as soon as practicable after the further information date.

(7) If the inspector receives further information from each party to whom a notice has been given under paragraph (1) before the further information date, the Secretary of State may comply with paragraph (4)(b) before the further information date.

(8) The inspector must send a copy of any notice given under this rule to the Secretary of State.