
WELSH STATUTORY INSTRUMENTS

2017 No. 644

Listed Buildings (Review of Listing
Decisions) (Wales) Regulations 2017

PART 4

Hearings

Notice of hearing, specified matters and appearances at hearing

11.—(1) Where the appointed person decides that a review is to be carried out by means of a hearing, they must give written notice to that effect to—

- (a) the applicant;
- (b) the Welsh Ministers; and
- (c) any other person or body that the appointed person considers appropriate.

(2) The notice given under paragraph (1) must set out the specified matters, but the inclusion of such matters in the notice does not prevent the appointed person from allowing the consideration of such other matters as they consider appropriate.

(3) The persons entitled to appear at the hearing are those referred to in paragraph (1)(a) to (c).

(4) The attendance at the hearing of any person who is not entitled to appear is subject to the discretion of the appointed person.

Date and notification of hearing

12.—(1) The appointed person must determine (and may subsequently vary) the date, time and place at which the hearing is to be held.

(2) The appointed person must give to those persons entitled to appear at the hearing not less than four weeks notice of the date, time and place fixed for the holding of the hearing (and any subsequent variation thereof).

Procedure at hearing

13.—(1) Except as otherwise provided in this Part, the procedure at a hearing is to be as the appointed person determines.

(2) The appointed person must state at the commencement of the hearing the procedure that they propose to adopt.

(3) Any person entitled to appear at the hearing may instead be represented by another person.

(4) Where two or more persons have a similar interest in the issues being considered at the hearing, the appointed person may allow one or more persons to appear on behalf of some or all of any persons so interested.

(5) The appointed person may refuse to permit the giving of any evidence which they consider irrelevant or repetitious.

(6) The appointed person may proceed with a hearing in the absence of any person entitled to appear at the hearing.

(7) The appointed person may—

(a) require any person taking part in, or present at, a hearing who, in the appointed person's opinion is behaving in a disruptive manner to leave; and

(b) refuse to permit that person to return; or

(c) permit that person to return only on such conditions as the appointed person may specify, but any such person may submit to the appointed person any evidence or other matter in writing before the close of the hearing.

(8) The appointed person may take into account any representation or evidence or any other document received from any person before a hearing opens or during the hearing on the condition that the appointed person discloses that fact at the hearing.

(9) The appointed person may from time to time adjourn the hearing and—

(a) where the date, time and place at which the hearing is to be resumed are announced before the adjournment, must as soon as practicable take reasonable steps to give notice of such date, time and place to any person entitled to appear at the hearing who was absent at the time of the announcement; or

(b) where the date, time and place at which the hearing is to be resumed are not announced before the adjournment, must—

(i) determine (and may subsequently vary) such date, time and place; and

(ii) subject to paragraph (10), give to those persons entitled to appear at the hearing not less than four weeks notice of such date, time and place (and any subsequent variation thereof).

(10) Where paragraph (9)(b) applies, the appointed person may give to those persons entitled to appear at the hearing less than four weeks notice of the date, time and place fixed for the resumption of the hearing (and any subsequent variation thereof) in any case where such shorter period is agreed between the applicant, appointed person and the Welsh Ministers.

Appointment of assessor

14. Where an assessor is appointed under paragraph 4(1)(a) of Schedule 1B to the 1990 Act, the appointed person must notify in writing the persons entitled to appear at the hearing of the appointment, the name of the person appointed and the matters on which they will advise.