
DRAFT STATUTORY INSTRUMENTS

2011 No.

The Marine Licensing (Licence
Application Appeals) Regulations 2011

PART 5

Hearings and inquiries

Procedure

16.—(1) Except as otherwise provided in these Regulations, the appointed person may determine the procedure to be followed at a hearing or an inquiry.

(2) Once the hearing or inquiry has started the appointed person may adjourn it at any time.

(3) The persons entitled to appear are—

(a) the appellant;

(b) the Authority; and

(c) any person who has made representations concerning the appeal.

(4) The appointed person may proceed in the absence of any person entitled to appear.

(5) The appointed person may permit any other person to appear, and such permission must not be unreasonably withheld.

(6) Any person entitled or permitted to appear may appear in person or be represented by any other person.

(7) A person entitled to appear may call evidence, but the calling of evidence is otherwise at the appointed person's discretion.

(8) Cross-examination is not permitted at a hearing unless the appointed person considers that it is required to ensure a thorough examination of the main issues.

(9) If the appointed person considers that cross-examination is required, the appointed person must consider, after consulting the appellant and the Authority, whether to close the hearing and start an inquiry instead.

(10) A person entitled to appear at an inquiry may cross-examine persons giving evidence, but the cross-examination of persons giving evidence at an inquiry is otherwise at the appointed person's discretion.

(11) The appointed person may take into account any written representation, evidence or any other document received from any person before or during a hearing or an inquiry, provided that the appointed person discloses it at the hearing or inquiry.

(12) If the appointed person so decides, a hearing or an inquiry may be held wholly or partly in private.

(13) This regulation is subject to regulation 17.