
STATUTORY INSTRUMENTS

2007 No. 2008

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

PART 3

HEARINGS

Procedure at the hearing

9.—(1) Except as otherwise provided in these Rules, the inspector shall determine the procedure at the hearing.

(2) The hearing shall take the form of a discussion led by the inspector, and cross-examination shall not be permitted unless the inspector considers that cross-examination is required to ensure a thorough examination of the main issues.

(3) Where the inspector considers that cross-examination is required under paragraph (2), he shall consider, after consulting every person who—

- (a) is entitled or permitted to appear at the hearing, and
- (b) is present at that hearing,

whether the hearing should be closed and an inquiry should be held instead.

(4) At the start of the hearing the inspector shall identify—

- (a) what are in his opinion the main issues to be considered at the hearing; and
- (b) any matters on which he requires further explanation from any person appearing at the hearing.

(5) Paragraph (4) shall not preclude the addition in the course of the hearing of other issues for consideration or preclude any person entitled or permitted to appear at the hearing from referring to other issues which he considers to be relevant to the hearing.

(6) Subject to paragraph (7), any person appearing at the hearing may give, or call another person to give, oral evidence, and may present, or call another person to present, any matter.

(7) The inspector may at any stage in the proceedings refuse to permit—

- (a) the giving or production of evidence, or
- (b) the presentation of any matter,

which he considers to be irrelevant or repetitious.

(8) Where under paragraph (7) the inspector refuses to permit the giving or production of evidence or the presentation of any matter, the person wishing to give or produce evidence or to present any matter, or to call any other person to give or produce evidence or to present any matter, may submit to the inspector any evidence or other matter in writing before the close of the hearing.

(9) The inspector may—

- (a) require any person present at a hearing who, in his opinion, is behaving in a disruptive manner to leave; and
- (b) refuse to permit that person to return or permit him to return only on such conditions as he may specify.

(10) Any person mentioned in paragraph (9) may submit to the inspector any evidence or other matter in writing before the close of the hearing.

(11) The inspector may, at the hearing, allow any person to alter or add to his statement of case received by the Secretary of State under rule 6 so far as may be necessary for the purposes of the hearing.

(12) Where the inspector has allowed an alteration or addition under paragraph (11), he shall (if necessary by adjourning the hearing) give—

- (a) every other person appearing at the hearing,
- (b) every other person present at the hearing who was entitled to receive a copy of the statement of case in question under rule 6, and
- (c) such other persons as he considers appropriate,

an adequate opportunity of considering the alteration or addition.

(13) The inspector may—

- (a) proceed with the hearing in the absence of any person entitled or permitted to appear at it;
- (b) take into account any written representations, evidence or any other document received by him from any person before the hearing opens or during the hearing, provided he discloses it at the hearing; and
- (c) from time to time adjourn the hearing.