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STATUTORY INSTRUMENTS

2007 No. 3617

**TRIBUNALS AND INQUIRIES,
ENGLAND AND WALES**

The Compulsory Purchase (Inquiries Procedure) Rules 2007

Made - - - - *15th December 2007*
Laid before Parliament *8th January 2008*
Coming into force - - *29th January 2008*

The Lord Chancellor makes the following Rules in exercise of the powers conferred on him by section 9 of the Tribunals and Inquiries Act 1992(1) and after consultation with the Council on Tribunals:

Citation, commencement and application

1.—(1) These Rules may be cited as the Compulsory Purchase (Inquiries Procedure) Rules 2007 and shall come into force on 29th January 2008.

(2) Subject to rule 22(3) these Rules apply where—

- (a) a confirming authority(2) causes a public local inquiry to be held pursuant to subsection (3) (a) of section 13A of the Acquisition of Land Act 1981(3) (compulsory purchase by local or other authority - remaining objections); or
- (b) an appropriate authority(4) causes a public local inquiry to be held pursuant to subparagraph (3)(a) of paragraph 4A of Schedule 1 to that Act (compulsory purchase by Minister - remaining objections) (5).

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- (1) 1992 c.53. For the definition of “Minister” for the purposes of section 9, see section 16 (1) of the Tribunals and Inquiries Act 1992, which is amended by the Government of Wales Act 2006 section 160(1), and Schedule 10, paragraph 38, to include the Welsh Ministers.
- (2) For the definition of “confirming authority” see section 7(1) of the Acquisition of Land Act 1981 (c.67).
- (3) 1981 c.67. Section 13A was substituted, with section 13, by section 100(1) and (6) of the Planning and Compulsory Purchase Act 2004 (c.5). A Minister is a confirming authority for the purposes of section 13A. Some, but not all, of the functions of the Secretary of State in authorising compulsory purchase of land in Wales were transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and to the Welsh Ministers by paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c.32).
- (4) The Minister is the “appropriate authority” for the purposes of paragraph 4A of Schedule 1 to the Acquisition of Land Act 1981 see paragraph 4(8) of Schedule 1 to the Acquisition of Land Act 1981 as inserted by section 101(4) of the Planning and Compulsory Purchase Act 2004. Powers exercisable under section 4A of the Acquisition of Land 1981 in so far as they are exercisable in relation to Wales are now vested in the Welsh Ministers. They were previously transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and to the Welsh Ministers by paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006.

Interpretation

2. In these Rules—

“the Act” means the Acquisition of Land Act 1981;

“assessor” means a person appointed by the authorising authority to sit with an inspector at an inquiry or re-opened inquiry to advise the inspector on such matters arising as the authorising authority may specify;

“authorising authority” means the confirming authority where subsection (3) (a) of section 13A of the Act applies or the appropriate authority where sub-paragraph (3) (a) of paragraph 4A of Schedule 1 to the Act applies;

“document” includes a photograph, map or plan;

“inquiry” means a public local inquiry in relation to which these Rules apply;

“inspector” means a person appointed by the authorising authority to hold an inquiry or a re-opened inquiry;

“land” means the land to which an order relates or, where a right over land is proposed to be acquired by an order, the land over which the right would be exercised;

“ministerial order” means an order prepared in draft in accordance with Schedule 1 to the Act;

“non-ministerial order” means an order made and submitted for confirmation in accordance with Part 2 of the Act;

“order” means a compulsory purchase order as defined in section 7 of the Act;

“outline statement”, means a written statement of the principal submissions which a person proposes to put forward at an inquiry;

“pre-inquiry meeting” means a meeting held before an inquiry to consider what may be done with a view to securing that the inquiry is conducted efficiently and expeditiously; and where two or more such meetings are held references to the conclusion of a pre-inquiry meeting are references to the conclusion of the final meeting;

“relevant date” means the date of the authorising authority’s notice under paragraph (2) or (3) of rule 3;

“remaining objector” means a person who has a remaining objection within the meaning of section 13A or, as the case may be, paragraph 4A (1) of Schedule 1(6);

“statement of case” means a written statement comprising—

- (a) full particulars of the case which a person proposes to put forward at the inquiry (including where that person is the acquiring authority(7) the reasons for making the order); and
- (b) copies of, or relevant extracts from, any documents referred to in such statements and a list of any documents to which that person intends to refer or which he intends to put in evidence.

Preliminary action to be taken by the authorising authority

3.—(1) The authorising authority shall give written notice of its intention to cause an inquiry to be held in accordance with paragraph (2) or (3).

(5) Paragraph 4A of Schedule 1 to the Act was inserted by section 101(1) and (4) of the Planning and Compulsory Purchase Act 2004 (c.5).

(6) For the definition of “remaining objection”, see section 13A (1) of, or as the case may be, paragraph 4A (1) of Schedule 1 to the Acquisition of Land Act 1981 (c.67), as inserted by sections 100(6) and 101(4) of the Planning and Compulsory Purchase Act 2004 (c.5).

(7) For the definition of “acquiring authority” see section 7(1) of the Acquisition of Land Act 1981.

- (2) In the case of an inquiry which relates to a ministerial order, notice shall be given—
 - (a) to each remaining objector;
 - (b) by a date which is not later than 5 weeks after the expiry of the time within which objections to the draft order may be made.
- (3) In the case of an inquiry which relates to a non-ministerial order, notice shall be given—
 - (a) to the acquiring authority and to each remaining objector;
 - (b) by a date which is not later than 5 weeks after whichever is the later of—
 - (i) the expiry of the time within which objections to the order may be made; or
 - (ii) the submission of the order to the authorising authority for confirmation.
- (4) At the same time as notice is given under paragraph (1), the authorising authority shall also give written notice to the acquiring authority (where that authority is not the authorising authority) of the substance of each objection made by a remaining objector, and, so far as practicable, the substance of any other objections.

Pre-inquiry meetings

4. If it appears to the authorising authority to be desirable, the authorising authority may cause a pre-inquiry meeting to be held and, where it does so —
 - (a) the authorising authority shall give notice of its intention to hold a pre-inquiry meeting with the notice required under rule 3(2) or (3);
 - (b) the pre-inquiry meeting (or, where there is to be more than one, the first pre-inquiry meeting) shall be held not later than 16 weeks after the relevant date; and
 - (c) the procedures prescribed by rule 5 shall apply.

Pre-inquiry meetings: notices, outline statements, etc

5.—(1) The authorising authority shall cause to be published not later than 3 weeks after the relevant date, in one or more local newspapers circulating in the locality in which the land is situated, a notice of its intention to cause a pre-inquiry meeting to be held.

(2) The acquiring authority shall, not later than 8 weeks after the relevant date, send its outline statement to each remaining objector and, in the case of a non-ministerial order, to the authorising authority.

(3) The authorising authority may by notice in writing require—

- (a) any remaining objector, and
- (b) any other person who has notified it of his intention or wish to appear at the inquiry,

to send, within 8 weeks of the date of such notice, an outline statement to the authorising authority and to any other person specified in the notice including, in the case of a non-ministerial order, the acquiring authority.

(4) The authorising authority shall give not less than 3 weeks' written notice of the meeting to—

- (a) each remaining objector, and
- (b) any other person whose presence at the meeting seems to it to be desirable, and
- (c) in the case of a non-ministerial order, the acquiring authority.

(5) The authorising authority shall also give notice of the date, time and place of the pre-inquiry meeting by taking either or both of the following steps—

- (a) fixing a notice—

- (i) to a conspicuous object or place on or near the land; or where the land extends for more than 5 kilometres, at intervals of not more than 5 kilometres; and
 - (ii) in at least one place in the locality in which the land is situated where public notices are usually posted;
- (b) publishing a notice in one or more newspapers circulating in the locality in which the land is situated.

Powers of inspector in respect of pre-inquiry meetings

6.—(1) An inspector shall preside at a pre-inquiry meeting held under rule 4.

(2) Where a pre-inquiry meeting has been held under rule 4, the inspector may hold another meeting and shall arrange for such notice to be given of that other meeting as appears to him to be necessary.

(3) Where no pre-inquiry meeting is held under rule 4, the inspector may hold a pre-inquiry meeting if he thinks it desirable, and shall arrange for not less than 3 weeks' written notice of the meeting to be given to—

- (a) the authorising authority;
- (b) in the case of a non-ministerial order, the acquiring authority;
- (c) each remaining objector;
- (d) any other person known at the date of the notice to be entitled to appear at the inquiry; and
- (e) any other person whose presence at the meeting appears to him to be desirable.

(4) At a pre-inquiry meeting held under rule 4 or this rule, the inspector shall determine the matters to be discussed and the procedure to be followed, and in particular he may—

- (a) require any person present at the meeting who, in his opinion, is behaving in a disruptive manner to leave; and
- (b) refuse to permit that person to return or to attend any further pre-inquiry meetings relating to the same inquiry; or
- (c) permit that person to return or to attend any further pre-inquiry meetings relating to the same inquiry only on such conditions as he may specify.

Statements of case, etc

7.—(1) The acquiring authority shall send a statement of case to each remaining objector and, in the case of a non-ministerial order, to the authorising authority—

- (a) where a pre-inquiry meeting is held pursuant to rule 4 or rule 6(3), not later than 4 weeks after the conclusion of that meeting;
- (b) in any other case, not later than 6 weeks after the relevant date.

(2) Unless every document, or the relevant part of every document, which the acquiring authority intends to refer to or put in evidence at the inquiry has been copied to each remaining objector, the acquiring authority shall send to each remaining objector a notice naming each place where a copy of those documents may be inspected free of charge at all reasonable hours until the date of commencement of the inquiry; and each place so named shall be as close as reasonably possible to the land.

(3) The authorising authority may by notice in writing require—

- (a) any remaining objector; and
- (b) any other person who has notified the authority of an intention to appear at the inquiry,

to send a statement of case to the authorising authority and to any other person specified in the notice (including, in the case of a non-ministerial order, the acquiring authority) within 6 weeks from the date of the notice.

(4) The authorising authority shall supply a copy of the acquiring authority's statement of case to any person who is not a remaining objector but has been required to send a statement of case under paragraph (3).

(5) The authorising authority or an inspector may require any person who has sent a statement of case in accordance with this rule to provide such further information about the matters contained in the statement as the authorising authority or inspector may specify.

(6) The acquiring authority shall afford to any person who so requests a reasonable opportunity to inspect, and where practicable take copies of any statement or document which has been sent to it in accordance with any of the preceding paragraphs of this rule; and shall specify in the statement sent in accordance with paragraph (1) the time and place at which the opportunity will be afforded.

Inquiry timetable

8.—(1) Where a pre-inquiry meeting is held pursuant to rule 4 or 6 the inspector shall, and in any other case may, subject to the provisions of rule 10(1)(b) arrange a timetable for the proceedings at, or at part of, an inquiry and may at any time vary the timetable; any changes to the timetable shall be notified to every person entitled to appear at the inquiry.

(2) The inspector may specify in a timetable arranged or varied pursuant to this rule the date by which any statement of evidence and summary required by rule 15(1) is to be sent to him.

(3) Where a timetable under paragraph (1) has been arranged, the inspector shall no later than 4 weeks before the start of the inquiry send to every person entitled to appear at the inquiry a copy of the timetable for the proceedings.

Notice of appointment of assessor

9. Where the authorising authority appoints an assessor, it shall give written notice to —

- (a) every remaining objector;
- (b) any other person who has sent an outline statement under rule 5 or a statement of case under rule 7; and
- (c) in the case of a non-ministerial order, the acquiring authority,

of the name of the assessor and of the matters on which he is to advise the inspector.

Date of inquiry

10.—(1) The date fixed by the authorising authority for the holding of an inquiry shall be—

- (a) in a case where there is no pre-inquiry meeting, not later than 22 weeks after the relevant date;
- (b) in a case where a pre-inquiry meeting (or where there is more than one, the final pre-inquiry meeting) is held pursuant to rule 4 or 6, not later than 8 weeks after the conclusion of that meeting; or
- (c) where the authorising authority is satisfied that in all the circumstances of the case it is impracticable to hold the inquiry within the period mentioned in sub-paragraph (a) or (b) (as the case may be), the earliest practicable date after the end of that period.

(2) Unless the authorising authority agrees a lesser period of notice with the acquiring authority (where it is not that authority) and with each remaining objector, the authorising authority shall give

not less than 6 weeks' written notice of the date, time and place fixed by it for the holding of an inquiry to —

- (a) every remaining objector; and
- (b) every person who has sent an outline statement under rule 5 or a statement of case under rule 7.

(3) The authorising authority may vary the date fixed for the holding of an inquiry (whether or not the date as varied complies with the requirements of paragraph (1)), and paragraph (2) shall apply in relation to the varied date as it applied in relation to the date originally fixed.

(4) The authorising authority may also vary the time or place for the holding of an inquiry and shall give such notice of the variation as appears to it to be reasonable.

(5) Where it is satisfied that it is reasonable to do so and having regard to the nature of the order or the draft order, the authorising authority may direct that the inquiry shall be held partly in one place and partly in another place.

Public notice of inquiry

11.—(1) In relation to a ministerial order the acquiring authority shall, not later than 2 weeks before the date fixed for the holding of the inquiry—

- (a) display a notice of the inquiry—
 - (i) by attaching it to the land or to a conspicuous object or place on or near the land; and, where the land extends for more than 5 kilometres, at intervals of not more than 5 kilometres; and
 - (ii) in at least one place in the locality in which the land is situated where public notices are usually posted; and
- (b) publish notice of the inquiry in one or more newspapers circulating in the locality in which the land is situated.

(2) In relation to a non-ministerial order, the acquiring authority shall, not later than 2 weeks before the date fixed for the holding of the inquiry—

- (a) unless the authorising authority directs otherwise, comply with the requirements of paragraph (1)(a); and
- (b) if the authorising authority so directs, comply with the requirements of paragraph (1) (b).

(3) A notice displayed or published pursuant to paragraphs (1) or (2) shall contain a clear statement indicating the date, time and place of the inquiry, and of the powers under which the order has been made, together with a description of the land sufficient to identify its approximate location without reference to the map referred to in the order.

Representation of Minister at inquiry

12.—(1) In relation to a ministerial order the acquiring authority—

- (a) may be represented at the inquiry by counsel or solicitor or by an officer of its department or other person authorised by the acquiring authority to represent it; and
- (b) shall make a representative available at the inquiry to give evidence in elucidation of the statement of case, and such representative shall be subject to cross-examination to the same extent as any other witness.

(2) Nothing in paragraph (1) (b) shall require a representative of the acquiring authority to answer any question which in the opinion of the inspector is directed to the merits of government policy.

Representation of government departments at inquiry

13.—(1) Where a government department (other than the department of a Minister who is the acquiring authority) has made a statement or representation in writing in support of the order or the draft order and the acquiring authority has included that statement in its statement of case, a representative of the department concerned shall be made available to attend the inquiry.

(2) Such a representative shall at the inquiry state the reasons for the view expressed by his department and shall give evidence and be subject to cross-examination to the same extent as any other witness.

(3) Nothing in paragraph (2) shall require a representative of a government department to answer any question which in the opinion of the inspector is directed to the merits of government policy.

Appearances at inquiry

14.—(1) Every remaining objector and any other person who has sent an outline statement under rule 5 or a statement of case under rule 7 shall be entitled to appear at the inquiry.

(2) In relation to a non-ministerial order, the acquiring authority shall also be entitled to appear at the inquiry.

(3) The inspector may permit any other person to appear at the inquiry, and such permission shall not be unreasonably withheld.

(4) Any person entitled or permitted to appear may do so on his own behalf or be represented by counsel, solicitor or any other person.

(5) An inspector may allow one or more persons to appear on behalf of some or all of any persons having a similar interest in the matter under inquiry.

Evidence at inquiry

15.—(1) A person entitled to appear at an inquiry to give, or to call another person to give, evidence at the inquiry by reading a statement of that evidence shall send to the inspector and (in the case of non-ministerial orders) to the acquiring authority, a copy of that statement and, subject to paragraph (2), a written summary of it together with any relevant supporting documents.

(2) No written summary shall be required where the statement mentioned in paragraph (1) contains not more than 1,500 words.

(3) The statement and the summary (if any) shall be sent to the inspector and to the acquiring authority not later than—

(a) 3 weeks before the date fixed for the commencement of the inquiry, or

(b) where, pursuant to rule 10, a timetable has been arranged which specifies a date by which the statement of evidence and summary shall be sent to the inspector, that date.

(4) Unless paragraph (2) applies, only the summary shall be read at the inquiry unless the inspector permits or requires otherwise.

(5) The acquiring authority shall afford to any person who so requests a reasonable opportunity to inspect and, where practicable and on payment of a reasonable charge, take copies of any document sent to or by it in accordance with this rule.

(6) Where the acquiring authority sends a copy of a statement of evidence or a summary to the inspector in accordance with paragraphs (1) and (2), it shall at the same time send a copy to every remaining objector and any other person who has sent an outline statement under rule 5 or a statement of case under rule 7.

Procedure at inquiry

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

(2) Unless in any particular case the inspector, with the consent of the acquiring authority, otherwise determines, the acquiring authority shall begin and shall have the right of final reply; and the other persons entitled or permitted to appear shall be heard in such order as the inspector may determine.

(3) A person entitled to appear at the inquiry by virtue of rule 14(1) or (2) shall be entitled to call evidence, and the acquiring authority and the remaining objectors shall be entitled to cross-examine persons giving evidence, but, subject to paragraphs (2), (4), (5) and (7), the calling of evidence and the cross-examination of persons giving evidence shall otherwise be at the inspector's discretion.

(4) The inspector may refuse to permit—

- (a) the giving or production of evidence;
- (b) the cross-examination of persons giving evidence; or
- (c) the presentation of any other matter,

which he considers to be irrelevant or repetitious; but where he refuses to permit the giving of oral evidence, the person wishing to give the evidence may submit to him in writing any evidence or other matters before the close of the inquiry.

(5) Where a person gives evidence at an inquiry by reading a summary of his statement of evidence, the statement shall, unless he notifies the inspector that he wishes to rely on the contents of that summary only, be treated as tendered in evidence; and the person whose evidence the statement contains shall then be subject to cross-examination on it to the same extent as if it were evidence he had given orally.

(6) The inspector may direct the acquiring authority to provide facilities so that any person appearing at the inquiry may be afforded a reasonable opportunity to inspect, and where practicable and on payment of a reasonable charge, take copies of, any documents open to public inspection.

(7) The inspector may require any person appearing or present at the inquiry who, in his opinion, is behaving in a disruptive manner to leave and may refuse to permit that person to return, or may permit him to return only on such conditions as he may specify; but any such person may submit to him in writing any evidence or other matters before the close of the inquiry.

(8) The inspector may allow any person to alter or add to a statement of case sent under rule 7 so far as may be necessary for the purposes of the inquiry; but he shall (if necessary by adjourning the inquiry) give every remaining objector and any other person who has sent an outline statement under rule 5 or a statement of case under rule 7 an adequate opportunity of considering any new matter of fact or document introduced by the acquiring authority.

(9) The inspector may proceed with an inquiry in the absence of any person entitled to appear at it.

(10) The inspector may take into account any written representation or evidence or any other document received by him from any person before an inquiry opens or during the inquiry, provided that he discloses it at the inquiry.

(11) The inspector may from time to time adjourn the inquiry and, if the date, time and place of the resumed inquiry are announced at the inquiry before the adjournment, no further notice shall be required.

Site inspections

17.—(1) The inspector may make an unaccompanied inspection of the land before or during the inquiry without giving notice of his intention to the persons entitled to appear at the inquiry.

(2) The inspector may, during the inquiry or after its close, inspect the land in the company of a representative of the acquiring authority and any remaining objector; and he shall make such an inspection if so requested by either the acquiring authority or by any remaining objector before or during the inquiry.

(3) Where the inspector intends to make an inspection of the kind described in paragraph (2) he shall announce during the inquiry the date and time at which he proposes to make it.

(4) The inspector shall not be bound to defer an inspection of the kind referred to in paragraph (2) where any person mentioned in that paragraph is not present at the time appointed.

Procedure after inquiry

18.—(1) After the close of the inquiry, the inspector shall make a report in writing to the authorising authority which shall include his conclusions and recommendations, or (as the case may be) his reasons for not making any recommendations.

(2) Where an assessor has been appointed, he may, after the close of the inquiry, make a report in writing to the inspector in respect of the matters on which he was appointed to advise.

(3) Where the assessor makes a report in accordance with paragraph (2), the inspector shall append it to his own report and shall state in his own report whether and to what extent he agrees or disagrees with the assessor's report and, where he disagrees with the assessor, his reasons for that disagreement.

(4) If, after the close of the inquiry, the authorising authority —

- (a) differs from the inspector on any matter of fact mentioned in, or appearing to it to be material to, a conclusion reached by the inspector, or
- (b) takes into consideration any new evidence or new matter of fact, other than a matter of government policy,

and is for that reason disposed to disagree with a recommendation made by the inspector, the authorising authority shall not come to a decision which is at variance with that recommendation without first notifying the persons who appeared at the inquiry of its disagreement and the reasons for it.

(5) The authorising authority shall give every person notified under paragraph (4) an opportunity—

- (a) of making written representations to it within 3 weeks of the date of the notification, or
- (b) if it has taken into consideration any new evidence or new matter of fact, other than a matter of government policy, of asking within that period for the re-opening of the inquiry.

(6) The authorising authority may, as it thinks fit, cause an inquiry to be re-opened to afford an opportunity for persons to be heard on such matters relating to the order as it may specify, and shall do so if asked by the acquiring authority (in relation to a non-ministerial order) or by a remaining objector in the circumstances and within the period mentioned in paragraph (5); and where an inquiry is re-opened (whether by the same or a different inspector)—

- (a) the authorising authority shall send to those persons entitled to appear at the inquiry who appeared at it a written statement of the specified matters; and
- (b) paragraphs (2) to (5) of rule 10 shall apply as if—
 - (i) references to an inquiry were references to a re-opened inquiry; and
 - (ii) in paragraph (2) of rule 10, for “6 weeks”, there were substituted “4 weeks”.

Notice of decision

19.—(1) The authorising authority shall give notice of its decision and the reasons for it in writing to—

- (a) in the case of a non-ministerial order, the acquiring authority;
- (b) each remaining objector;
- (c) any person entitled to appear at the inquiry who did appear at it; and
- (d) any other person who, having appeared at the inquiry, asked to be notified of the decision.

(2) Where a copy of the inspector’s report is not sent with the notice of the decision, the notice shall be accompanied by a copy of his conclusions and of any recommendations made by him; and if a person entitled to be notified of the decision has not received a copy of that report, he shall be supplied with a copy of it on written application made to the authorising authority within 4 weeks of the date of the decision.

(3) In this rule “report” includes any assessor’s report appended to the inspector’s report but does not include any other documents so appended; but any person who has received a copy of the report may apply in writing to the authorising authority within 6 weeks of the publication of the notice of confirmation of the order pursuant to section 15 of the Act, or making of the order pursuant to paragraph 6 of Schedule 1 to the Act, as the case may be, for an opportunity to inspect such documents and the authorising authority shall afford him that opportunity.

Allowing further time

20. The authorising authority may at any time in any particular case allow further time for the taking of any step which is to be taken by virtue of these Rules, and references in these Rules to a day by which, or a period within which, any step is to be taken shall be construed accordingly.

Sending of notices by post

21. Notices or documents required or authorised to be sent under any of the provisions of these Rules may be sent by post.

Revocation and savings

22.—(1) Subject to paragraphs (2) and (3), the Compulsory Purchase by Non-Ministerial Acquiring Authorities (Inquiries Procedure) Rules 1990⁽⁸⁾ (“the 1990 Rules”) and the Compulsory Purchase by Ministers (Inquiries Procedure) Rules 1994⁽⁹⁾ (“the 1994 Rules”) are revoked.

(2) Where on the date on which these Rules come into force the Secretary of State, in accordance with rule 4(a) of the 1990 Rules, or the Minister, in accordance with rule 4 of the 1994 Rules, has given written notice of his intention to hold an inquiry, the 1990 Rules, or, as the case may be, the 1994 Rules shall continue to apply in relation to any inquiry which is caused to be held in England or Wales pursuant to that notice.

(3) Where the Welsh Ministers are the authorising authority, the 1990 Rules or, as the case may be, the 1994 Rules shall continue to apply.

⁽⁸⁾ S.I.1990/512.

⁽⁹⁾ S.I.1994/3264.

On the authority of the Lord Chancellor

15th December 2007

Bridget Prentice
Parliamentary Under Secretary of State
Ministry of Justice

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules prescribe the procedure to be followed in connection with public local inquiries relating to the authorisation of compulsory purchase orders. They replace the Compulsory Purchase by Non-Ministerial Acquiring Authorities (Inquiries Procedure) Rules 1990 and the Compulsory Purchase by Ministers (Inquiries Procedure) Rules 1994. They relate to orders where a Minister is either the confirming authority in the case of a non-ministerial order or, in the case of inquiries relating to a compulsory purchase order made in draft by a UK government Minister, the appropriate authority.

In addition to the replacement of the term “statutory objector” by “remaining objector”, in consequence of amendments made to the Acquisition of Land Act 1981 by the Planning and Compulsory Purchase Act 2004, there are a number of minor procedural changes. The deadline for serving notice of intention to hold an inquiry has been extended to five weeks from the end of the objection period. This allows for the consent stage in the written representations procedure which objectors may use as an alternative to the inquiry procedure as part of the decision process. The requirement that statements of case for non-ministerial order inquiries should be sent at least 28 days before the date fixed for the inquiry has been removed. Some terms have been modernised. The Rules now refer to the “authorising authority” which is the confirming authority in the case of a non-ministerial Order or the appropriate authority in the case of a Ministerial Order.

Rule 3 provides for written notice from the authorising authority of its intention to cause an inquiry to be held which commences the procedure. Pre-inquiry meetings are dealt with in rules 4 to 6. Rule 7 deals with statements of case and rules 8 to 14 with the inquiry timetable, appointment of assessor, the date and public notification of the inquiry and appearances at the inquiry including the representation of a Minister or government department at inquiry. The handling of evidence at inquiry is dealt with in rule 15 and rules 16 to 19 deals with procedure at the inquiry, site inspections and post-inquiry procedures (including notice of decisions). Rules 20 to 22 deal with the power to extend time, sending of notices by post and revocation (with a saving provision) of the 1990 and 1994 Rules referred to above.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.