

2010 No. 3015

TRIBUNALS AND INQUIRIES, WALES

**The Compulsory Purchase (Inquiries Procedure) (Wales) Rules
2010**

<i>Made</i> - - - -	<i>15th December 2010</i>
<i>Laid before Parliament</i>	<i>10th January 2011</i>
<i>Coming into force</i> - -	<i>31st January 2011</i>

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

Citation, commencement and application

1.—(1) These Rules may be cited as the Compulsory Purchase (Inquiries Procedure) (Wales) Rules 2010 and will come into force on 31 January 2011.

(2) Subject to rule 24(3), these Rules apply where the Welsh Ministers cause a public local inquiry to be held pursuant to section 5 of the Acquisition of Land Act 1981^(b).

Interpretation

2. In these Rules—

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

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

“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 Welsh Ministers 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, the land over which such a right would be exercised;

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

“non-Welsh Ministers 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”, in relation to a person and an inquiry, means a written statement of the principal submissions which that person proposes to put forward at the 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 Welsh Ministers’ 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 paragraph 4A of Schedule 1 to the Act;

“statement of case”, in relation to a person and an inquiry, means a written statement containing—

- (a) full particulars of the case which the person proposes to put forward at the inquiry (including, where the person is the acquiring authority^(c), the reasons for making the order); and
- (b) a list of any documents to which the person intends to refer or which the person intends to put in evidence.

(a) 1992 c.53. Section 9(3A) was inserted by paragraphs 23 and 28 of Schedule 8 to the Tribunals, Courts and Enforcement Act 2007. There are other amendments to section 9 which are not related to these rules.

(b) 1981 c.67.

(c) For the definition of ‘acquiring authority’, see section 7(1) of the Acquisition of Land Act 1981.

Preliminary action to be taken by the Welsh Ministers

3.—(1) The Welsh Ministers shall give written notice of an inquiry in accordance with paragraph (2) or (3).

(2) In the case of an inquiry which relates to a Welsh Ministers order, the notice shall be given to each remaining objector not later than 5 weeks after the expiry of the time within which objections to the order may be made.

(3) In the case of an inquiry which relates to a non-Welsh Ministers order, the notice shall be given to the acquiring authority and to each remaining objector not later than 5 weeks after whichever is the later of—

- (a) the expiry of the time within which objections to the order may be made, and
- (b) the submission of the order to the Welsh Ministers for confirmation.

(4) In the case of an inquiry which relates to a non-Welsh Ministers order, the Welsh Ministers shall provide the acquiring authority with a statement indicating 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.—(1) The Welsh Ministers may cause a pre-inquiry meeting to be held if it appears to them desirable and, where they do so—

- (a) rule 5 shall apply in the case of a Welsh Ministers order; and
- (b) rule 6 shall apply in the case of a non-Welsh Ministers order.

(2) The Welsh Ministers shall give with the notice required under rule 3(2) or (3) notice of their intention to hold a pre-inquiry meeting.

(3) The pre-inquiry meeting (or where there is more than one, the first such meeting) shall be held not later than 16 weeks after the relevant date.

Pre-inquiry meetings: notice, etc. in case of Welsh Ministers orders

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

(2) The Welsh Ministers shall, not later than 8 weeks after the relevant date, serve an outline statement on each remaining objector.

(3) The Welsh Ministers may by notice in writing require—

- (a) any remaining objector; and
- (b) any other person who has notified them of that person's intention or wish to appear at the inquiry,

to serve, within 8 weeks of the date of the notice, an outline statement on them and on any other person specified in the notice.

(4) The Welsh Ministers 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 them to be desirable.

(5) The Welsh Ministers shall give notice of the date, time and place of the pre-inquiry meeting by taking one or more of the following steps —

- (a) fixing a notice—
 - (i) to a conspicuous object or objects on or near the land; and where the land extends for more than five kilometres, at intervals of not more than five 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) publishing a notice in one or more local newspapers circulating in the locality in which the land is situated.

Pre-inquiry meetings: notice, etc in case of non-Welsh Ministers orders

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

(2) The acquiring authority shall, not later than 8 weeks after the relevant date, serve an outline statement on each remaining objector and on the Welsh Ministers.

(3) The Welsh Ministers may by notice in writing require—

- (a) any remaining objector; and
- (b) any other person who has notified them of that person's intention or wish to appear at the inquiry,

to serve, within 8 weeks of the date of the notice, an outline statement on them, on the acquiring authority and on any other person specified in the notice.

(4) The Welsh Ministers shall give not less than 3 weeks' written notice of the pre-inquiry meeting to—

- (a) the acquiring authority;
- (b) each remaining objector; and
- (c) any other person whose presence at the meeting seems to them to be desirable.

(5) The Welsh Ministers shall require the acquiring authority to give notice of the date, time and place of the pre-inquiry meeting by taking one or more of the following steps—

- (a) fixing a notice—
 - (i) to a conspicuous object or objects on or near the land; and where the land extends for more than five kilometres, at intervals of not more than five 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) publishing a notice in one or more local newspapers circulating in the locality in which the land is situated.

Powers of inspector in respect of pre-inquiry meetings

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

(2) Where a pre-inquiry meeting has been held under rule 4(1), the inspector may hold another meeting and shall arrange for such notice to be given of that other meeting as appears to the inspector to be desirable.

(3) Where no meeting is held under rule 4(1), the inspector may hold a pre-inquiry meeting if the inspector thinks it desirable, and shall arrange for not less than 3 weeks' written notice of the meeting to be given to—

- (a) in the case of a Welsh Ministers order, the Welsh Ministers;
- (b) in the case of a non-Welsh Ministers 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 the inspector to be desirable.

(4) At a pre-inquiry meeting held under rule 4(1) or this rule, the inspector shall determine the matters to be discussed and the procedure to be followed and the inspector may—

- (a) require any person present at the meeting who, in the inspector's opinion, is behaving in a disruptive manner to leave;

- (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 the inspector may specify.

Service of statements of case, etc. – Welsh Ministers orders

8.—(1) This rule applies in relation to a Welsh Ministers order.

(2) The Welsh Ministers shall serve a statement of a case on each remaining objector—

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

(3) Unless every document, or the relevant part of every document, which the Welsh Ministers intend to refer to or put in evidence at the inquiry has been copied to each remaining objector, the Welsh Ministers shall serve on 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.

(4) The Welsh Ministers may by notice in writing require—

- (a) any remaining objector; and
- (b) any other person who has notified them of that person's intention or wish to appear at the inquiry,

to serve a statement of case on them and on any other person specified in the notice within 6 weeks from the date of the notice.

(5) Every person notified under paragraph (4) shall also serve on the Welsh Ministers a copy of every document, or the relevant part of every document, which that person intends to refer to or put in evidence at the inquiry.

(6) The Welsh Ministers shall supply a copy of their statement of case to any person who is not a remaining objector but has been required to serve a statement of case under paragraph (4).

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

(8) The Welsh Ministers 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 served on or by them in accordance with any of the preceding paragraphs of this rule and shall specify in the statement served in accordance with paragraph (2) the time and place at which the opportunity will be afforded.

Service of statements of case, etc. – non-Welsh Ministers orders

9.—(1) This rule applies in relation to a non-Welsh Ministers order.

(2) The acquiring authority shall serve a statement of case on each remaining objector—

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

(3) 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 serve on 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.

(4) The Welsh Ministers may by notice in writing require—

- (a) any remaining objector; and
- (b) any other person who has notified them of that person's intention or wish to appear at the inquiry,

to serve a statement of case on them and on any other person specified in the notice within 6 weeks from the date of the notice.

(5) Every person notified under paragraph (4) shall also serve on the Welsh Ministers a copy of every document or the relevant part of every document which that person intends to refer to or put in evidence at the inquiry.

(6) The Welsh Ministers 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 serve a statement of case under paragraph (4).

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

(8) 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 served on or by it in accordance with any of the preceding paragraphs of this rule and shall specify in the statement served in accordance with paragraph (2) the time and place at which the opportunity will be afforded.

Inquiry timetable

10.—(1) Where a pre-inquiry meeting is held pursuant to rule 4 or 7 the inspector shall, and in any other case may, arrange a timetable for the proceedings at, or at part of, an inquiry and may at any time vary the timetable.

(2) Any changes to the timetable shall be notified to every person entitled to appear at the inquiry.

(3) The inspector may specify in a timetable arranged or varied pursuant to this rule the date by which any proof of evidence and summary required by rule 17(1) is to be sent to the inspector.

(4) 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

11. Where the Welsh Ministers appoint an assessor, they shall notify—

- (a) every remaining objector;
- (b) any other person who has served an outline statement under rule 5 or 6 or a statement of case under rule 8 or 9; and
- (c) in the case of a non-Welsh Ministers order, the acquiring authority, of the name of the assessor and of the matters on which the assessor is to advise the inspector.

Date of inquiry

12.—(1) The date fixed by the Welsh Ministers for the holding of an inquiry shall be—

- (a) not later than 22 weeks after the relevant date;
- (b) in a case where a pre-inquiry meeting is held pursuant to rule 4 or 7, not later than 8 weeks after the conclusion of that meeting; or
- (c) where the Welsh Ministers are 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 Welsh Ministers agree a lesser period of notice with the acquiring authority (where they are not that authority) and with each remaining objector, they shall give not less than 6 weeks' written notice of the date, time and place fixed by them for the holding of the inquiry to—

- (a) every remaining objector; and
- (b) every person who has served an outline statement under rule 5 or 6 or a statement of case under rule 8 or 9.

(3) The Welsh Ministers 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 Welsh Ministers may also vary the time or place for the holding of an inquiry and shall give such notice of the variation as appears to them to be reasonable.

(5) The Welsh Ministers where they are satisfied that it is reasonable to do so and having regard to the nature of the order or draft order, may direct that the inquiry shall be held partly in one place and partly in another place.

Public notice of inquiry

13.—(1) In relation to a Welsh Ministers order the Welsh Ministers shall, not later than 2 weeks before the date fixed for the holding of the inquiry—

- (a) fix a notice of the inquiry—
 - (i) to a conspicuous object or objects 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 local newspapers circulating in the locality in which the land is situated.

(2) A notice posted or published pursuant to paragraph (1) shall contain a 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.

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

- (a) unless the Welsh Ministers direct otherwise, comply with the requirements of paragraph (1)(a) ; and
- (b) if the Welsh Ministers so direct, comply with the requirements of paragraph (1)(b).

Representation of the Welsh Ministers at inquiry

14.—(1) In relation to a Welsh Ministers order the Welsh Ministers may be represented at the inquiry by counsel or solicitor or by an officer or other person authorised by the Welsh Ministers to represent them.

(2) In relation to such an order, the Welsh Ministers 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.

(3) Nothing in paragraph (2) shall require a representative of the Welsh Ministers 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

15.—(1) Where one of the Welsh Ministers other than the Welsh Minister who initiated the order has made a statement or representation in writing in support of the order and the acquiring

authority has included that statement in its statement of case, a representative of the Welsh Minister 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 the representative's 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.

Other appearances at inquiry

16.—(1) Every remaining objector and any other person who has served an outline statement under rule 5 or 6 or a statement of case under rule 8 or 9 shall be entitled to appear at the inquiry.

(2) In relation to a non-Welsh Ministers 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 that person's 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.

Proofs of evidence

17.—(1) A person entitled to appear at the inquiry who proposes to give, or to call another person to give, evidence at the inquiry by reading a proof of evidence shall send to the inspector and to the acquiring authority (unless that person is the acquiring authority) a copy of the proof and, subject to paragraph (2), a written summary of it together with any supporting documents.

(2) No written summary shall be required where the proof which it is proposed to read contains not more than 1,500 words.

(3) The proof 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 proof 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 proof 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 served an outline statement under rule 5 or 6 or a statement of case under rule 8 or 9.

Procedure at inquiry

18.—(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 16(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), (6) and (8), 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 any of the following which the inspector considers to be irrelevant or repetitious—

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

(5) Where under paragraph (4) the inspector refuses to permit the giving of oral evidence, the person wishing to give the evidence may submit to the inspector in writing any evidence or other matters before the close of the inquiry.

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

(7) 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.

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

(9) The inspector may allow any person to alter or add to a statement of case served under rule 8 or 9 so far as may be necessary for the purposes of the inquiry, but the inspector shall (if necessary by adjourning the inquiry) give every remaining objector and any other person who has served an outline statement under rule 5 or 6 or a statement of case under rule 8 or 9 an adequate opportunity of considering any new matter of fact or document introduced by the acquiring authority.

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

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

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

Site inspections

19.—(1) The inspector may make an unaccompanied inspection of the land before or during the inquiry without giving notice of the inspector's 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 the inspector 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 referred to in paragraph (2) the inspector shall announce during the inquiry the date and time at which the inspector 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

20.—(1) After the close of the inquiry, the inspector shall make a report in writing to the Welsh Ministers which shall include the inspector's conclusions and recommendations or reasons for not making any recommendations.

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

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

(4) If, after the close of the inquiry, the Welsh Ministers—

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

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

(5) The Welsh Ministers shall afford to every person notified under paragraph (4) an opportunity—

- (a) of making written representations to them within 3 weeks of the date of the notification, or
- (b) if they have 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 Welsh Ministers may, as they think 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 they may specify, and they shall do so if asked by the acquiring authority (in relation to a non-Welsh Ministers order) or by a remaining objector in the circumstances and within the period mentioned in paragraph (5).

(7) Where an inquiry is re-opened (whether by the same or a different inspector)—

- (a) the Welsh Ministers 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 12 and, where the inquiry relates to a Welsh Ministers order, paragraphs (1) and (2) of rule 13 or, where the inquiry relates to a non- Welsh Ministers order, paragraph (3) of that rule, shall apply as if—
 - (i) references to an inquiry were references to a re-opened inquiry; and
 - (ii) in paragraph (2) of rule 12, for “6 weeks”, there were substituted “4 weeks”.

Notice of decision

21.—(1) The Welsh Ministers shall give notice of their decision and the reasons for it in writing to—

- (a) in the case of a non-Welsh Ministers 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, has 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 the inspector's conclusions and of any recommendations made by the inspector, and if a person entitled to be notified of the decision has not received a copy of that report, that person shall be supplied with a copy of it on written application made to the Welsh Ministers 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 Welsh Ministers within 6 weeks of the publication of the notice of making of the order pursuant to section 15 of the Act, or paragraph 6 of Schedule 1 to the Act, as the case may be, for an opportunity of inspecting such documents and the Welsh Ministers shall afford such person that opportunity.

Allowing further time

22. The Welsh Ministers 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.

Service of notices by post

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

Revocation and savings

24.—(1) Subject to paragraph (3), the Compulsory Purchase by Non-Ministerial Acquiring Authorities (Inquiries Procedure Rules) 1990(a) ("the 1990 Rules"); and the Compulsory Purchase by Ministers (Inquiries Procedure) Rules 1994(b) ("the 1994 Rules") are revoked.

(2) Rules 1(2) and 22(3) of the Compulsory Purchase (Inquiries Procedure) Rules 2007(c), are revoked.

(3) Where on the date on which these Rules come into force the Welsh Ministers, in accordance with rule 4(a) (heading) of the 1990 Rules or rule 4 (relevant notice) of the 1994 Rules, have served notice of their intention to cause an inquiry to be held, the 1990 Rules or the 1994 Rules as the case may be shall continue to apply in relation to any inquiry which is caused to be held in Wales pursuant to that notice.

On the authority of the Lord Chancellor

15th December 2010

Jonathan Djanogly
Parliamentary Under Secretary of State
Ministry of Justice

(a) S.I. 1990/512.
(b) S.I. 1994/3264.
(c) S.I. 2007/3617.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules prescribe the procedure to be followed in connection with local inquiries relating to compulsory purchase orders in Wales. They replace in Wales 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 the Welsh Ministers are either the acquiring authority or the confirming 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. The requirement that statements of case for non-ministerial order inquiries should be served at least 28 days before the date fixed for the inquiry has been removed. The term “statements of evidence” has also been replaced by “proofs of evidence”.

Rule 3 provides for a written notice from the Welsh Ministers which commences the procedure. Pre-inquiry meetings are dealt with in rules 4 to 7. Rules 8 and 9 deal with statements of case and rules 10 to 16 with the inquiry timetable, appointment of assessors, the date and public notification of the inquiry and appearances at the inquiry. The production of proofs of evidence is dealt with in rule 17 and rules 18 to 21 deal with procedure at the inquiry, site inspections and post-inquiry procedures (including notice of decisions). Rules 22 to 24 deal with the power to extend time, service by post and revocation (with a saving provision) of the 1990 and 1994 Rules referred to above.

A Regulatory Impact Assessment has not been prepared because there are no cost implications for either acquiring authorities or persons affected by compulsory purchase orders.

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