2004 No. 2018

TRIBUNALS AND INQUIRIES, ENGLAND AND WALES

The Transport and Works (Inquiries Procedure) Rules 2004

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Made	*25th July 2004*
Laid before Parliament	*28th July 2004*
Coming into force	*23rd August 2004*

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

Extent

Preamble: England, Wales

Law In Force

1. Citation and commencement

These Rules may be cited as the Transport and Works (Inquiries Procedure) Rules 2004 and shall come into force on 23rd August 2004.

Commencement

rule 1: August 23, 2004

Extent

rule 1: England, Wales

Law In Force

2.— Interpretation

(1) In these Rules references to sections are references to sections of the Transport and Works Act 1992, and–

"address" includes any number or address used for the purposes of electronic transmission;
"applicant" means any person who has submitted an application to the Secretary of State in accordance with rules made under section 6; or, in the case where the Secretary of State has made a proposal for an order under section 7, the Secretary of State;
"application" means an application under section 6 for an order under section 1 or 3 or the publication of a notice by the Secretary of State of a proposal to make such an order by virtue of section 7;
"assessor" means a person appointed by the Secretary of State to sit with an inspector at an inquiry or re-opened inquiry to advise the inspector on such matters arising as the Secretary of State may specify;
"by local advertisement" means, in relation to the publication of a notice, by publication of the notice in at least one newspaper circulating in the locality, or each of the localities, in which the land to which an application relates is situated;
"document" includes a photograph, map or plan;
"electronic transmission" means a communication transmitted–

(a) by means of an electronic communications network; or
(b) by other means but while in electronic form;

"inquiry" means a public local inquiry to which these Rules apply by virtue of rule 3;
"inspector" means a person appointed by the Secretary of State to hold an inquiry or a re-opened inquiry;
"mediator" means a person appearing to the Secretary of State to have been trained in mediation techniques by an independent mediation organisation and who is appointed by the Secretary of State to undertake mediation under rule 12;
"official body" means a Minister of the Crown or a government department;
"official case" means a written statement by an official body setting out full particulars of its evidence in regard to an application;
"official representation" means a written objection or representation made by an official body in regard to an application;
"order" means an order under section 1 or 3;
"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 more than one such meeting is held references to the conclusion of the pre-inquiry meeting are references to the conclusion of the final meeting;
"registration form" means a form for completion by interested parties who wish to participate in an inquiry to which rule 6 applies;
"relevant notice" means the Secretary of State's written notice under rule 4 that an inquiry is to be held;
"starting date" means the date of the relevant notice;
"statement of case" means a written statement containing full particulars of the case which a person proposes to put forward at an inquiry (including, where that person is the applicant,

the reasons for submitting the application), together with a list of any documents which that person intends to refer to or put in evidence;
"statement of common ground" means a written statement prepared jointly by the applicant and any other party who wishes to participate in the inquiry, which contains factual information agreed between those persons about any proposal which is the subject of the application in question;
"statement of matters" means a statement by the Secretary of State of the matters about which he particularly wishes to be informed for the purposes of his consideration of the order in question;
"statutory body" means a body, not being an official body, which has been given by a public general Act functions relevant to the subject matter of the application;
"statutory objector" means a person within section 11(4);
"technical adviser" means a person appearing to the Secretary of State to have such qualifications and experience as are sufficient to enable him to conduct an expert assessment of scientific or technical evidence to be given to the inquiry and who is appointed by the Secretary of State for that purpose under rule 11.

(2) Where the Secretary of State is the applicant these Rules shall be construed so as not to require that–

(a) the Secretary of State shall serve a document upon himself, or
(b) he shall consult or agree with himself upon any matter, or
(c) any other person shall serve a document upon the Secretary of State more than once.

[(3) The requirements in rules 7(9), 12(5), 16(8), 17(2) and 21 to give any person who so requests an opportunity to inspect and take copies of any document or to provide copies to them, shall also be taken to have been satisfied where that person is notified of—

(a) the publication of the document on a website;
(b) the address of the website;
(c) the place on the website where the document may be accessed and how it may be accessed;
(d) details of where and when any document may be inspected or viewed in an electronic form;
(e) details of where and when copies of any document may be obtained; and
(f) any charge that will be levied for copies made of any document available for inspection or viewing.

] [1]

Notes

[1] Added by Transport and Works (Applications, Objections and Inquiries Procedure) (Amendment) (England and Wales) Rules 2023/795 rule 2(2) (August 11, 2023: insertion has effect subject to transitional provision specified in SI 2023/795 rule 1(5))

Commencement

rule 2(1)-(2)(c): August 23, 2004

Extent

rule 2(1)-(3)(f): England, Wales

Law In Force

3.— Application of Rules

(1) These Rules shall apply in relation to any inquiry which is caused to be held pursuant to section 11–

(a) by the National Assembly for Wales[1] for the purposes of an application relating solely to Wales; or

(b) by the Secretary of State for the purposes of all other applications relating to England and Wales.

(2) In these Rules, references to the Secretary of State shall mean the National Assembly for Wales where an inquiry is to be held in relation to an application made to that Assembly.

Notes

[1] The functions of the Secretary of State under section 11 were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). See article 2 and the entry in Schedule 1 for the Transport and Works Act 1992.

Commencement

rule 3(1)-(2): August 23, 2004

Extent

rule 3(1)-(2): England, Wales

Law In Force

4.— Preliminary action to be taken by the Secretary of State

(1) Where the Secretary of State intends to cause an inquiry to be held, he shall, not later than 4 weeks after the date specified in paragraph (2), give written notice of that intention to the applicant, to each statutory objector, to any statutory body which has submitted an objection (unless such objection has been withdrawn) and to any official body which has made an official representation.

(2) The date referred to in paragraph (1) is–

(a) in the case of an application to which section 9 applies, the date on which each House of Parliament passes a resolution under section 9(4) (or, if there are two such dates, the later of them); and

(b) in every other case, the date of expiry of the period within which an objection to the application may be made.

Commencement

rule 4(1)-(2)(b): August 23, 2004

Extent

rule 4(1)-(2)(b): England, Wales

Law In Force

5. Preliminary action to be taken by official bodies

Where an official body has made an official representation it shall (unless it has already done so) serve upon the Secretary of State, the applicant and any statutory objector an official case within 6 weeks of the starting date.

Commencement

rule 5: August 23, 2004

Extent

rule 5: England, Wales

Law In Force

6.— Special procedure for major inquiries where Secretary of State causes a pre-inquiry meeting to be held

(1) The Secretary of State may cause a pre-inquiry meeting to be held where it appears to him that this would be desirable because of the extent of interest in the inquiry and where he does so this rule applies.

(2) The Secretary of State shall serve with the relevant notice a notification of his intention to cause a pre-inquiry meeting to be held, a statement of matters and a registration form, which form shall include the address to which, and date by which, completed forms are to be returned and which shall request the following information–

(a) the name, address and telephone number of the person registering;

(b) the name, address and telephone number of any agent, or, in the case of an organisation, of the contact person;

(c) whether or not the person registering has an interest in any land which will be affected by the application;

(d) whether or not the person or organisation registering is likely to want to be represented formally and to play a major part in the inquiry;

(e) if not, whether or not the person registering will wish to give oral evidence at the inquiry or will wish only to submit representations in writing.

(3) The applicant shall, not later than 3 weeks after the starting date, publish by local advertisement a notice of the Secretary of State's intention to cause a pre-inquiry meeting to be held.

(4) The notice published pursuant to paragraph (3) shall include the text of the statement of matters and shall state that persons interested in participating in the inquiry should obtain from the Secretary of State a copy of the registration form.

(5) The applicant shall, not later than 8 weeks after the starting date, serve on the Secretary of State and on each statutory objector an outline statement.

(6) The applicant shall include in the outline statement the text of any official case supplied under rule 5 upon which he wishes to rely, and shall, not later than 8 weeks after the starting date, serve a copy of that statement on the official body concerned.

(7) When required to do so by notice in writing from the Secretary of State–

(a) any statutory objector; and

(b) any other person who has notified him of any intention or wish to appear at the inquiry,

shall within 8 weeks from the date of such notice serve upon the Secretary of State, on the applicant and on any other person specified in such notice, an outline statement.

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

(9) The Secretary of State shall give not less than 3 weeks' written notice of the date, time and location of the pre-inquiry meeting to the applicant, each statutory objector and any other person whose presence at the pre-inquiry meeting seems to him to be desirable.

(10) The Secretary of State may require the applicant to take, in relation to notification of the pre-inquiry meeting, one or more of the steps mentioned in rule 13(6).

(11) The inspector shall preside at the pre-inquiry meeting and shall determine the matters to be discussed and the procedure to be followed; and he may require any person present at the pre-inquiry meeting who, in his opinion, is behaving in a disruptive manner to leave and may refuse to permit that person to return or to attend any further pre-inquiry meeting, or may permit him to return or attend only on such conditions as he may specify.

(12) The inspector may at any time hold such other meetings (including pre-inquiry meetings) as he considers necessary for the efficient and expeditious conduct of the inquiry and he shall arrange for such notice to be given of such meetings as appears to him necessary; and paragraph (11) shall apply to such meetings.

Commencement

rule 6(1)-(12): August 23, 2004

Extent

rule 6(1)-(12): England, Wales

Law In Force

7.— Service of statements of case, etc

(1) The applicant shall not later than–

(a) 6 weeks after the starting date; or

(b) where a pre-inquiry meeting is held pursuant to rule 6, 4 weeks after the conclusion of that meeting,

serve a statement of case on the Secretary of State and on each statutory objector and each person who is required to serve a statement of case under paragraph (3).

(2) In addition to the statement of case served under paragraph (1), the applicant shall serve–

(a) upon the Secretary of State a copy of every document or the relevant part of any document which he intends to refer to or put in evidence and of the notice mentioned in sub-paragraph (b), and

[(b) upon each statutory objector and each person who is required to serve a statement of case under paragraph (3), a notice giving—

(i) the names of all places, within each area in which the proposals contained in the application are to have effect (or as close as reasonably practicable to that area) where, at all reasonable hours until the date of commencement of the inquiry—

(aa) a copy of every document, or

(bb) the relevant part of any document,

on which the applicant intends to refer to or put in evidence may be inspected or viewed in an electronic form free of charge; or

(ii) details of a website where a copy of the application and every document required by these Rules to accompany it are displayed.

] [1]

(3) When required by notice in writing from the Secretary of State to do so–

(a) a statutory objector; or

(b) any other person who has notified him of an intention or wish to appear at the inquiry, shall within 6 weeks from the date of such notice or, where a pre-inquiry meeting is held pursuant to rule 6, no later than 4 weeks after the conclusion of that meeting, serve a statement of case on the Secretary of State, on the applicant and on any other person specified in such notice and the Secretary of State shall notify the applicant forthwith of the name and address of each person required to serve a statement of case.

(4) In addition to the statement of case served under paragraph (3), every person mentioned in paragraph (3)(a) and (b) shall serve upon the Secretary of State and the applicant a copy of every document or the relevant part of any document which such person intends to refer to or put in evidence unless copies of the document or part of the document are available for inspection pursuant to paragraph (9).

(5) Any person who has served a statement of case in accordance with this rule shall–

(a) when required by notice in writing from the Secretary of State or the inspector provide such further information about the matters contained in the statement as the Secretary of State or the inspector may specify; and

(b) at the same time send a copy of such further information to any other person on whom the statement of case has been served.

(6) Unless a statement of matters has already been served pursuant to rule 6(2), the Secretary of State shall, within 12 weeks from the starting date, serve such a statement on the applicant, each statutory objector and any person from whom he has required a statement of case.

(7) The Secretary of State may amend a statement of matters served under paragraph (6) or rule 6(2) at any time up to 6 weeks before the commencement of the inquiry.

(8) Any person who has served a statement of case in accordance with this rule and who wishes to comment on another person's statement of case shall, not later than 6 weeks before the date fixed for the commencement of the inquiry, send further comments in writing to the Secretary of State, the applicant and the person whose statement of case is the subject of the comment if that person is not the applicant.

(9) The applicant shall afford to any person who so requests a reasonable opportunity to inspect and, where practicable and subject to payment by that person of a reasonable charge, take copies of any statement or document which, or a copy of which, has been served on or by him in accordance

with any of the preceding paragraphs of this rule; and shall specify in his statement of case the time and place at which the opportunity will be afforded.

Notes

[1] Substituted by Transport and Works (Applications, Objections and Inquiries Procedure) (Amendment) (England and Wales) Rules 2023/795 rule 2(3) (August 11, 2023: substitution has effect subject to transitional provision specified in SI 2023/795 rule 1(5))

Commencement

rule 7(1)-(9): August 23, 2004

Extent

rule 7(1)-(9): England, Wales

Law In Force

8.— Further power of inspector to hold pre-inquiry meetings

(1) Where no pre-inquiry meeting is held pursuant to rule 6, the inspector may hold one if he thinks it desirable.

(2) The inspector shall arrange for not less than 2 weeks' written notice of a meeting pursuant to paragraph (1) to be given to the applicant, each statutory objector, any other person known at the date of the notice to be entitled to appear at the inquiry, and any other person whose presence at the meeting appears to him to be desirable.

(3) Rule 6(11) shall apply to a meeting held under this rule.

Commencement

rule 8(1)-(3): August 23, 2004

Extent

rule 8(1)-(3): England, Wales

Law In Force

9.— Inquiry timetable

(1) Where a pre-inquiry meeting is held pursuant to rule 6, the inspector shall at that meeting–

(a) propose a timetable for the proceedings at, or at part of, the inquiry, and

(b) specify the date by which any proof of evidence and summary sent in accordance with rule 16(1) shall be received by him,

and shall arrange for written notice to be given of the date so specified to every person entitled to appear at the inquiry.

(2) The inspector shall arrange–

(a) after the conclusion of a pre-inquiry meeting held pursuant to rule 6 for a copy of the timetable for the proceedings to be sent to the Secretary of State for approval; and
(b) following such approval for a copy of the timetable for the proceedings to be sent to every person entitled to appear at the inquiry.

(3) The inspector may subsequently vary the timetable mentioned in paragraph (2) but he shall not do so before the start of the inquiry without the approval of the Secretary of State.

(4) Where a pre-inquiry meeting is held pursuant to rule 8 the inspector may arrange a timetable for the proceedings at, or at part of, the inquiry and may at any time vary the timetable.

(5) An inspector may specify in a timetable arranged under paragraph (4) a date by which any proof of evidence and summary required by rule 16(1) to be sent to him shall be so sent.

Commencement

rule 9(1)-(5): August 23, 2004

Extent

rule 9(1)-(5): England, Wales

Law In Force

10.— Notification of appointment of assessor

(1) Where the Secretary of State appoints an assessor, he shall notify the persons specified in rule 14(1) of the assessor's name and of the matters on which he is to advise the inspector.

Commencement

rule 10(1): August 23, 2004

Extent

rule 10(1): England, Wales

Law In Force

11.— Appointment of technical adviser

(1) This rule applies where the Secretary of State has caused a pre-inquiry meeting to be held in pursuance of rule 6.

(2) If it appears to the Secretary of State that evidence to be given to the inquiry is, or is likely to be, of such a technical or scientific nature that the inquiry would be conducted more efficiently and expeditiously if an expert assessment of that evidence were to be made, he may at any time appoint a technical adviser for that purpose.

(3) Where the Secretary of State appoints a technical adviser he may in writing require the applicant to publish by local advertisement and within such period as he may specify a notice stating the name of the person so appointed and specifying the evidence to be assessed.

(4) The technical adviser shall assess the evidence so specified and shall report his assessment in writing to the inspector, identifying any areas of disagreement between the parties and stating his view of the significance of such disagreement.

(5) The inspector shall within 7 days of receipt of the technical adviser's report arrange for a copy to be sent to every person entitled to appear at the inquiry.

(6) The technical adviser shall give evidence on his report to the inquiry and shall be subject to cross-examination to the same extent as any other witness.

(7) The inspector may allow the technical adviser to alter or add to his report so far as may be necessary for the purposes of the inquiry; but he shall (if necessary by adjourning the inquiry) give every other person entitled to appear who is appearing at the inquiry an adequate opportunity of considering any such alteration or addition.

Commencement

rule 11(1)-(7): August 23, 2004

Extent

rule 11(1)-(7): England, Wales

Law In Force

12.— Mediation

(1) This rule applies where the Secretary of State has caused a pre-inquiry meeting to be held in pursuance of rule 6.

(2) If it appears to the Secretary of State that–

(a) there is an absence of agreement between persons entitled to appear at the inquiry on a matter which is relevant to the inquiry;

(b) the inquiry would be conducted more efficiently and expeditiously if agreement could be reached in relation to that matter or any disagreement in relation to it could be defined and narrowed; and

(c) such a result is capable of being achieved by mediation,

then he may, after consulting such persons entitled to appear at the inquiry as he considers appropriate, appoint a mediator for that purpose.

(3) Where the Secretary of State appoints a mediator he may in writing require the applicant to publish by local advertisement and within such period as he may specify a notice stating the name of the person so appointed and the matter in relation to which he is to mediate.

(4) The mediator shall determine the procedure for the mediation.

(5) Within 7 days from the conclusion of the mediation, the mediator shall give to the inspector a report describing the mediation procedure and its outcome and the inspector shall upon receipt of that report arrange for a copy to be sent to every person entitled to appear at the inquiry.

(6) The inspector shall permit any person entitled to appear at the inquiry to address him on the report referred to in paragraph (5), but the mediator shall not give evidence at the inquiry.

Commencement

rule 12(1)-(6): August 23, 2004

Extent

rule 12(1)-(6): England, Wales

Law In Force

13.— Date and notification of inquiry

(1) The date fixed by the Secretary of State for the commencement of an inquiry shall be determined in consultation with the applicant but shall be–

(a) not later than 22 weeks after the starting date; or

(b) in a case where a pre-inquiry meeting is held pursuant to rule 6, not later than 8 weeks after the conclusion of the meeting; or

(c) where the Secretary of State is satisfied that in all the circumstances of the case it is impracticable to hold the inquiry within the applicable period mentioned in sub-paragraph (a) or (b), the earliest practicable date after the end of that period.

(2) The place at which the inquiry is to be held shall be determined by the Secretary of State in consultation with the applicant and where the Secretary of State is satisfied, having regard to the nature of the application, that it is reasonable to do so he may direct that it shall be held at more than one place.

(3) Unless the Secretary of State agrees to a lesser period of notice with the applicant and each statutory objector, he shall give not less than 6 weeks' notice of the date, time and place fixed by him for the holding of an inquiry to every person specified in rule 14(1).

(4) The Secretary of State may–

(a) vary the date fixed for the commencement of an inquiry whether or not the revised date is within the applicable period mentioned in paragraph (1), and

(b) where a direction has been given under paragraph (2) vary the date of the holding of the inquiry at any place,

and paragraph (3) shall apply to a variation of a date as it applied to the date originally fixed.

(5) The Secretary of State may vary the time or place for the holding of an inquiry and shall give such notice of any such variation as appears to him to be reasonable.

(6) Unless the Secretary of State otherwise directs, and subject to paragraph (7), the applicant shall not later than 2 weeks before the date fixed for the commencement of an inquiry–

(a) post a notice of the inquiry in a conspicuous place or (in the case of an application for an order making provision for land based linear works more than 5 kilometres in length) at intervals of not more than 5 kilometres on, or as close as reasonably practicable to, the land to which the powers sought in the application relate;

(b) post a notice of the inquiry in one or more places where public notices are usually posted in the area in which the proposals contained in the application relate;

(c) publish a notice of the inquiry by local advertisement in the area in which the proposals contained in the application are to have effect.

(7) Where a direction has been given under paragraph (2), paragraph (6) shall have effect with the substitution–

(a) for references to the inquiry, of references to the part of the inquiry which is to be held at a place specified in the direction; and

(b) for references to the application, of references to that part of the application which is to be the subject of that part of the inquiry.

(8) Any notice posted pursuant to paragraph (6)(a) or (b) shall be readily visible to and legible by members of the public provided that where the notice is, without any fault or intention of the applicant, removed, obscured or defaced before the commencement of the inquiry, he shall be treated as having complied with the requirements of those sub-paragraphs if he has taken reasonable steps for the protection of the notice and, if need be, its replacement.

(9) Any notice of inquiry posted or published pursuant to paragraph (6) shall contain a statement of the date, time and place of the inquiry, and of the relevant section under which the application has been made, together with a sufficient description of the proposals in the application to identify their location with or without reference to a specified map.

Commencement

rule 13(1)-(9): August 23, 2004

Extent

rule 13(1)-(9): England, Wales

Law In Force

14.— Appearances at inquiry

(1) The persons entitled to appear at an inquiry are–

(a) the applicant;

(b) any statutory objector;

(c) any other person who has served an outline statement under rule 6 or a statement of case under rule 7.

(2) Nothing in paragraph (1) shall prevent the inspector from permitting any other person to appear at an inquiry, and such permission shall not be unreasonably withheld.

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

Commencement

rule 14(1)-(3): August 23, 2004

Extent

rule 14(1)-(3): England, Wales

Law In Force

15.— Representation of official bodies at inquiry

(1) An official body which has provided an official case shall arrange for its representative to attend the inquiry if the official body has received, not later than 4 weeks before the date fixed for the holding of any inquiry, a written request for such attendance from the Secretary of State, the applicant or a statutory objector.

(2) A person attending an inquiry as a representative in pursuance of this rule 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 an official body to answer any question which in the opinion of the inspector is directed to the merits of government policy or, in the case of any inquiry into an application to which section 9 applies, the merits of a resolution passed pursuant to section 9(4).

Commencement

rule 15(1)-(3): August 23, 2004

Extent

rule 15(1)-(3): England, Wales

Law In Force

16.— Proofs of evidence

(1) A person entitled to appear at an 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 a copy of the proof and (subject to paragraph (2)) a written summary of it.

(2) No written summary shall be required where the proof which it is proposed to read contains no more than 1500 words.

(3) The proof and summary shall be sent to the inspector not later than–

(a) 4 weeks before the date fixed for the commencement of the inquiry; or

(b) where a timetable has been arranged pursuant to rule 9, which specifies a date by which the proof and summary shall be sent to the inspector, that date.

(4) Where the applicant sends a proof and a summary to an inspector in accordance with paragraph (1), he shall at the same time send a copy to every other person specified in rule 14(1); and where any other person so sends such a proof and summary he shall at the same time send a copy to the applicant.

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

(6) Subject to paragraph (7), any person required by this rule to send a proof to any other person shall send with it a copy of the whole, or the relevant part, of any document referred to in it, unless copies of the document or part of the document in question are already available for inspection pursuant to rule 7(9).

(7) Where any person has confirmed to the applicant in writing that he does not wish to be sent a copy of, or a copy of part of, a proof, summary or other document that the applicant is required to send, the applicant shall not be required to send him that document or the relevant part of it.

(8) The applicant 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 him in accordance with any of the preceding paragraphs of this rule.

Commencement

rule 16(1)-(8): August 23, 2004

Extent

rule 16(1)-(8): England, Wales

Law In Force

17.— Statement of common ground

(1) Where practicable, the applicant and any other party who wishes to participate in the inquiry may together prepare an agreed statement of common ground, and where this is done the applicant shall send a copy of such statement to the inspector no later than 4 weeks before the date fixed for the commencement of the inquiry.

(2) The applicant 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 statement of common ground prepared under paragraph (1).

Commencement

rule 17(1)-(2): August 23, 2004

Extent

rule 17(1)-(2): England, Wales

Law In Force

18.— Procedure at inquiry

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

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

(3) Persons specified in rule 14(1) shall be entitled to call evidence, and the applicant and the statutory objectors shall be entitled to cross-examine persons giving evidence, but, subject to

paragraphs (2), (4), (5) and (6), 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 for these reasons, the person wishing to give evidence may submit to him in writing any such evidence or other matter before the close of the inquiry.

(5) Where a person gives evidence at an inquiry by reading a summary in accordance with rule 16(5), the proof referred to in rule 16(1) and the documents referred to in rule 16(6) shall, unless the person required to provide the summary notifies the inspector that he now 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 had given orally.

(6) The inspector may direct the applicant to provide facilities so that any person appearing at an inquiry may take or obtain copies of documentary evidence open to public inspection, subject to such a person paying to the applicant a reasonable charge for the use of the facilities.

(7) The inspector may require any person appearing or present at an 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 matter before the close of the inquiry.

(8) The inspector may refuse to permit the cross-examination of persons giving evidence, or may require such cross-examination to cease, if it appears to him that permitting such cross-examination or allowing it to continue (as the case may be) would have the effect that the timetable referred to in rule 9 could not be met.

(9) The inspector may allow any person to alter or add to a statement of case served under rule 7 so far as may be necessary for the purpose of the inquiry; but he shall (if necessary by adjourning the inquiry) give every other person specified in rule 14(1) an adequate opportunity of considering any fresh matter or document.

(10) The inspector may proceed with an inquiry in the absence of any person specified in rule 14(1).

(11) 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.

(12) The inspector may from time to time adjourn an inquiry and

(a) if at the inquiry he announces the date, time and place for reconvening the adjourned inquiry no further notice shall be required, but

(b) if he makes no such announcement he shall give such notice as he considers reasonable and appropriate.

(13) Any person who appears at an inquiry and makes a closing submission shall by the close of the inquiry provide the inspector with a copy of his closing submission in writing.

Commencement

rule 18(1)-(13): August 23, 2004

Extent

rule 18(1)-(13): England, Wales

Law In Force

19.— Site inspections

(1) The inspector may make an unaccompanied inspection of any site to which the application relates before or during an inquiry without giving notice of his intention to the persons specified in rule 14(1).

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

(3) In all cases where the inspector intends to make an inspection of the kind referred to 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.

Commencement

rule 19(1)-(4): August 23, 2004

Extent

rule 19(1)-(4): England, Wales

Law In Force

20.— Procedure after inquiry

(1) After the close of an inquiry, the inspector shall make a report in writing to the Secretary of State, which shall include his conclusions and his recommendations or 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 an 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 how far he agrees or disagrees with the assessor's report and, where he disagrees with the assessor, his reasons for that disagreement.

(4) When making his decision the Secretary of State may disregard any written representations, evidence or any other document received after the close of the inquiry.

(5) If, after the close of an inquiry, the Secretary of State–

(a) differs from the inspector on any matter of fact mentioned in, or appearing to him to be material to, a conclusion reached by the inspector, or

(b) takes into consideration any new evidence or new matter of fact (not being a matter of government policy),

and is for that reason disposed to disagree with a recommendation made by the inspector, he shall not come to a decision which is at variance with that recommendation without first notifying such of the persons specified in rule 14(1) who appear to him to be likely to be affected thereby, and who have appeared at the inquiry, of his disagreement and the reasons for it; and affording them an opportunity either of making written representations to him within 3 weeks of the date of the notification, or (if the Secretary of State has taken into consideration any new evidence or new matter of fact, not being a matter of government policy) of asking within that period for the re-opening of the inquiry.

(6) If, after the close of an inquiry relating to an application in respect of which the appropriate resolutions have been passed under section 9(4), the Secretary of State is disposed to seek the approval of each House of Parliament to modified proposals by means of a resolution in accordance with section 9(5), he shall not do so without first–

(a) notifying any person who appears to him to be likely to be affected by the modification;

(b) giving that person an opportunity of making written representations to him about the modifications within such period (which shall not be less than 3 weeks) as he may specify in the notice; and

(c) considering any representation duly made to him.

(7) The Secretary of State may, as he thinks fit, cause an inquiry to be re-opened, and he shall do so if asked by the applicant or a statutory 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 Secretary of State shall send to the persons specified in rule 14(1) who appeared at the inquiry a written statement of the matters in respect to which further evidence is invited; and

(b) paragraphs (2) to (9) of rule 13 shall apply,

(i) as if references to an inquiry were references to a re-opened inquiry, but with the substitution in paragraph (3) of "4 weeks" for "6 weeks"; and

(ii) as if the words "whether or not the revised date is within the applicable period mentioned in paragraph (1)" were omitted from paragraph (4)(a).

Commencement

rule 20(1)-(7)(b)(ii): August 23, 2004

Extent

rule 20(1)-(7)(b)(ii): England, Wales

Law In Force

21.— Notification of decision

(1) Where the Secretary of State has published and given notice of his decision under section 14 and a copy of the inspector's report is not sent with the notification of the decision, the notification shall be accompanied by a copy of the inspector's conclusions and any recommendations made by him.

(2) Subject to paragraph (3) if a person entitled to be notified of the decision under section 14 has not received a copy of the inspector's report, he shall be supplied with a copy of it on written application to the Secretary of State.

(3) Any person applying to the Secretary of State under paragraph (2) shall send his application to the Secretary of State within 4 weeks of the date of the Secretary of State's decision.

(4) In this rule "inspector's report" includes any assessor's report appended to it but does not include any other documents so appended, but any person who has received a copy of the inspector's report may apply to the Secretary of State in writing, within 6 weeks of the date of the Secretary of State's decision, for an opportunity of inspecting any such documents and the Secretary of State shall afford him that opportunity.

Commencement

rule 21(1)-(4): August 23, 2004

Extent

rule 21(1)-(4): England, Wales

Law In Force

22.— Procedure following quashing of decision

(1) Where a decision of the Secretary of State on an application in respect of which an inquiry has been held is quashed in proceedings before any court, the Secretary of State–

(a) shall send to the persons entitled to appear at the inquiry who appeared at it a written statement of the matters with respect to which further representations are invited for the purpose of his further consideration of the application;

(b) shall afford to those persons the opportunity of making written representations to him in respect of those matters or of asking for the re-opening of the inquiry; and

(c) may, as he thinks fit, cause the inquiry to be re-opened (whether by the same or a different inspector) and if he does so paragraphs (2) to (9) of rule 13 shall apply,

(i) as if references to any inquiry were references to a re-opened inquiry, but with the substitution in paragraph (3) of "4 weeks" for "6 weeks"; and

(ii) as if the words "whether or not the revised date is within the applicable period mentioned in paragraph (1)" were omitted from paragraph (4)(a).

(2) Any persons making representations or asking for the inquiry to be re-opened under paragraph (1)(b) shall submit such representations or requests to the Secretary of State within 3 weeks of the date of the written statement sent under paragraph (1)(a).

Commencement

rule 22(1)-(2): August 23, 2004

Extent

rule 22(1)-(2): England, Wales

Law In Force

23. Allowing further time

The Secretary of State may at any time in any particular case allow further time for the taking of any step which is required or enabled 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 required or enabled to be taken shall be construed accordingly.

Commencement

rule 23: August 23, 2004

Extent

rule 23: England, Wales

Law In Force

24.— Service of notices

[(1) Notices or documents required or authorised to be served or sent under any of the provisions of these Rules may be effected by—

(a) sending by post;

(b) subject to paragraphs (2) to (5), sending by electronic transmission; or

(c) subject to compliance with the requirements in paragraph (6), publishing them on a website maintained by or on behalf of the applicant.

(2) Where a notice or other document required to be served or sent for the purposes of these Rules is served or sent by electronic transmission, the requirement shall be taken to be fulfilled where the recipient of the notice or other document to be transmitted—

(a) is the Secretary of State, the Inspector or a body mentioned in rule 13(1) to (4) of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006[2]; or

(b) has given their consent to the use of electronic transmission, either in writing or by electronic transmission.

] [1]

(3) Where the recipient of a notice or other document served or sent by electronic transmission notifies the sender within 7 days of receipt that he requires a paper copy of all or any part of that notice or other document the sender shall provide such a copy as soon as reasonably practicable.

[(4) A person may—

(a) revoke their consent to the use of electronic transmission; or

(b) in accordance with paragraph (5), request that the use of electronic transmission ceases.

] [3]

(5) Where a person **[** is not **]** [4] willing to accept the use of electronic transmission for any of the purposes of these Rules he shall–

(a) give notice in writing or by electronic transmission revoking any consent given by him for that purpose; and

(b) such revocation shall be final and shall take effect on a date specified by the person in the notice but that date shall not be less than 7 days after the date on which the notice is given.

[(6) The requirements referred to in paragraph (1)(c) are that the person upon whom the notice or other document is being served or sent is notified in writing of—

(a) the publication of the relevant document on a website;

(b) the address of the website;

(c) the place on the website where the document may be accessed and how it may be accessed;

(d) details of where and when copies of documents may be inspected or viewed in an electronic form;

(e) details of where and when copies of documents may be obtained; and

(f) any charge that will be levied for copies made of any document available for inspection or viewing.

(7) In this rule, "served or sent" includes "submitted" or "provided". **]** [5]

Notes

1 Substituted by Transport and Works (Applications, Objections and Inquiries Procedure) (Amendment) (England and Wales) Rules 2023/795 rule 2(4)(a) (August 11, 2023: substitution has effect subject to transitional provision specified in SI 2023/795 rule 1(5))

2 S.I. 2006/1466 as amended by S.I. 2011/556, S.I. 2015/627, and S.I. 2017/1070. There are other amendments not relevant to these Rules.

3 Substituted by Transport and Works (Applications, Objections and Inquiries Procedure) (Amendment) (England and Wales) Rules 2023/795 rule 2(4)(b) (August 11, 2023: substitution has effect subject to transitional provision specified in SI 2023/795 rule 1(5))

4 Words substituted by Transport and Works (Applications, Objections and Inquiries Procedure) (Amendment) (England and Wales) Rules 2023/795 rule 2(5) (August 11, 2023: substitution has effect subject to transitional provision specified in SI 2023/795 rule 1(5))

5 Added by Transport and Works (Applications, Objections and Inquiries Procedure) (Amendment) (England and Wales) Rules 2023/795 rule 2(6) (August 11, 2023: insertion has effect subject to transitional provision specified in SI 2023/795 rule 1(5))

Commencement

rule 24(1)-(5)(b): August 23, 2004

Extent

rule 24(1)-(7): England, Wales

Law In Force

25.— Revocation, savings and transitional provisions

(1) Subject to paragraph (2), the Transport and Works (Inquiries Procedure) Rules 1992 ("the 1992 Rules") are hereby revoked.

(2) Subject to paragraph (3), any application to which the 1992 Rules applied which has not been determined on the date when these Rules came into force shall continue to be subject to the 1992 Rules.

(3) Where a decision of the Secretary of State on an application to which the 1992 Rules applied is subsequently quashed in proceedings before any court, the decision shall be re-determined in accordance with these Rules.

Commencement

rule 25(1)-(3): August 23, 2004

Extent

rule 25(1)-(3): England, Wales

Law In Force

Falconer of Thoroton, C
Department for Constitutional Affairs

Dated 25th July 2004

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules prescribe the procedure to be followed in connection with public local inquiries held under the section 11 of the Transport and Works Act 1992 ("the 1992 Act"). These relate to applications for orders under Part I of the 1992 Act authorising–

(a) the construction or operation of railways, tramways, trolley vehicle systems and other systems of guided transport (as prescribed under section 2 of the 1992 Act) and matters ancillary thereto;

(b) the construction and operation of inland waterways and matters ancillary thereto;

(c) the carrying out of certain works which interfere with navigation and have been prescribed pursuant to section 4 of the 1992 Act.

The Rules extend to England and Wales. They replace, with amendments, and revoke subject to transitional provisions, the Transport and Works (Inquiries Procedure) Rules 1992 (S.I. 1992/2817).

A Regulatory Impact Assessment has been prepared in relation to these Rules. It has been placed in the Library of each House of Parliament and copies may be obtained from The TWA Orders Unit, the Department for Transport, 9th Floor, Southside, 105 Victoria Street, London SW1E 6DT.

Modifications

Provision	Modification	Notes	Further Information
rule 13(2)	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 20(7)(b)(i)		
	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 20(7)(b)(ii)		
	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 22(1)(c)(i)		
	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 22(1)(c)(ii)		
rule 13(3)	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 20(7)(b)(i)		
	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 20(7)(b)(ii)		
	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 22(1)(c)(i)		
	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 22(1)(c)(ii)		
rule 13(4)	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 20(7)(b)(i)		
	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 20(7)(b)(ii)		
	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 22(1)(c)(i)		
	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 22(1)(c)(ii)		
rule 13(5)	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 20(7)(b)(i)		
	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 20(7)(b)(ii)		
	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 22(1)(c)(i)		

	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 22(1)(c)(ii)		
rule 13(6)	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 20(7)(b)(i)		
	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 20(7)(b)(ii)		
	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 22(1)(c)(i)		
	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 22(1)(c)(ii)		
rule 13(7)	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 20(7)(b)(i)		
	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 20(7)(b)(ii)		
	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 22(1)(c)(i)		
	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 22(1)(c)(ii)		
rule 13(8)	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 20(7)(b)(i)		
	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 20(7)(b)(ii)		
	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 22(1)(c)(i)		
	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 22(1)(c)(ii)		
rule 13(9)	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 20(7)(b)(i)		
	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 20(7)(b)(ii)		
	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 22(1)(c)(i)		

	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 22(1)(c)(ii)		

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