STATUTORY INSTRUMENTS

2018 No. 248

TRIBUNALS AND INQUIRIES, ENGLAND AND WALES

The Compulsory Purchase (Inquiries Procedure) (Miscellaneous Amendments and Electronic Communications) Rules 2018

Made - - - -	*26th February 2018*
Laid before Parliament	*28th February 2018*
Coming into force - -	*6th April 2018*

The Lord Chancellor, in exercise of the powers conferred by section 9 of the Tribunals and Inquiries Act 1992(**1**) and sections 8 and 9 of the Electronic Communications Act 2000(**2**), makes the following Rules.

The Lord Chancellor considers that the authorisation by these Rules of the use of electronic communications for any purpose is such that the extent (if any) to which records of things done for the purpose will be available will be no less satisfactory in cases where use is made of electronic communications than in other cases.

PART 1

Preliminary matters

Citation and commencement

1.—(1) These Rules may be cited as the Compulsory Purchase (Inquiries Procedure) (Miscellaneous Amendments and Electronic Communications) Rules 2018.

(2) These Rules come into force on 6th April 2018.

(**1**) 1992 c. 53; section 9 was amended by S.I. 2013/2042. There are other amendments to section 9 which are not relevant. For the definition of "Minister" for the purposes of section 9, *see* section 16(1).

(**2**) 2000 c. 7. For the purposes of sections 8 and 9, the Lord Chancellor is "the appropriate Minister" in relation to matters under the Tribunals and Inquiries Act 1992 (c. 53).

Application

2.—(1) With the exception of the amendment made by rule 7, the amendments made by these Rules apply only in relation to—

(a) a compulsory purchase order which is submitted by an acquiring authority for confirmation in accordance with section 2(2)(b) of the Acquisition of Land Act 1981(**3**) on or after 6th April 2018; or

(b) a draft compulsory purchase order in respect of which a Minister publishes a notice under paragraph 2(1) of Schedule 1 to that Act on or after that date.

(2) The amendment made by rule 7 applies only to a decision notified under rule 19(1) of the 2007 Rules which is quashed, in full or in part, in proceedings before any court on or after 6th April 2018.

Interpretation

3. In these Rules—

"the 2007 Rules" means the Compulsory Purchase (Inquiries Procedure) Rules 2007(**4**);

"acquiring authority" and "compulsory purchase order" have the same meaning as in section 7(1) of the Acquisition of Land Act 1981.

PART 2

Miscellaneous Amendments

Amendments to the table of contents

4. In the table of contents for the 2007 Rules—

(a) after the entry for rule 2, insert "2A. Application of the Rules where a person is appointed under section 14D of the Act";

(b) after the entry for rule 19, insert "19A. Procedure following quashing of decision";

(c) at the end, insert "SCHEDULE—Modifications where a person is appointed under section 14D of the Act".

Insertion of new rule 2A

5. After rule 2 (interpretation) of the 2007 Rules, insert—

"**Application of the Rules where a person is appointed under section 14D of the Act**

2A.—(1) Where a person is appointed under section 14D of the Act(**5**), these Rules have effect subject to the modifications in the Schedule.

(2) Where a person's appointment under section 14D of the Act is revoked, these Rules have effect without the modifications in the Schedule and any step taken or thing done before the revocation, which could be taken or done under the Rules (without the modifications), is to have effect as if it had been taken or done under these Rules (without the modifications).".

(**3**) 1981 c. 67; section 2(2) was substituted by section 181(1) and (3) of the Housing and Planning Act 2016 (c. 22).
(**4**) S.I. 2007/3617. Rule 22(3), which saved Rules from 1990 and 1994 where the Welsh Ministers cause a public inquiry to be held under the Acquisition of Land Act 1981 (c. 67), was revoked (along with the saved 1990 and 1994 Rules) by S.I. 2010/3015.
(**5**) Section 14D of the Acquisition of Land Act 1981 (c. 67) was inserted by section 181(2) of the Housing and Planning Act 2016 (c. 22).

Amendment to rule 18

6. In rule 18 (procedure after inquiry) of the 2007 Rules, before paragraph (1) insert—

"(A1) Within 10 business days beginning with the day after the day on which the inquiry closes, the authorising authority must inform the persons listed in rule 19(1) in writing of the expected date of its decision.".

Insertion of new rule 19A

7. After rule 19 (notice of decision) of the 2007 Rules, insert—

"**Procedure following quashing of decision**

19A.—(1) Where a decision notified under rule 19(1) is quashed, in full or in part, in proceedings before any court, the authorising authority—

(a) must send to any person who was entitled to appear at the inquiry a written statement of the matters with respect to which further representations are invited for the purposes of the further consideration of the order by the authorising authority;

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

(c) may, as it thinks fit, cause the inquiry to be re-opened (whether by the same or a different inspector) and, if it does so, paragraphs (2) to (5) of rule 10 apply as if references to an inquiry were references to a re-opened inquiry.

(2) Those persons making representations or asking for the inquiry to be re-opened under paragraph (1)(b) must ensure that such representations or requests are received by the authorising authority within 3 weeks beginning with the date of the written statement sent under paragraph (1)(a).".

Insertion of new Schedule

8. At the end of the 2007 Rules insert the Schedule set out in the Schedule to these Rules.

PART 3

Electronic Communications

Amendments to rule 2

9.—(1) Rule 2 (interpretation) of the 2007 Rules is amended as follows.

(2) The existing provisions of rule 2 become paragraph (1) of that rule, and in that paragraph—

(a) after the definition of "authorising authority" insert—

""business day" means any day other than a Saturday, Sunday, Christmas Day, Good Friday, or a day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971(**6**);";

(b) after the definition of "document" insert—

(**6**) 1971 c. 80.

""electronic communication" has the meaning given in section 15(1) of the Electronic Communications Act 2000(**7**);".

(3) After paragraph (1), insert—

"(2) In these Rules, and in relation to the use of electronic communications for any purpose of these Rules which is capable of being carried out electronically—

(a) the expression "address" includes any number or address used for the purposes of such communications;

(b) references to statements, notices or other documents, or to copies of such documents, include references to such documents or copies of them in electronic form.

(3) Paragraphs (4) to (7) apply where an electronic communication is used by a person for the purpose of fulfilling any requirement in these Rules to give or send any statement, notice or other document to any other person ("the recipient").

(4) The requirement is to be taken to be fulfilled where the document transmitted by means of the electronic communication is—

(a) capable of being accessed by the recipient,

(b) legible in all material respects, and

(c) sufficiently permanent to be used for subsequent reference.

(5) In paragraph (4), "legible in all material respects" means that the information contained in the document is available to the recipient to no lesser extent than it would be if sent or given by means of a document in printed form.

(6) A requirement in these Rules that any document should be in writing is fulfilled where that document meets the criteria in paragraph (4), and "written" is to be construed accordingly.

(7) Where the electronic communication is received by the recipient outside the recipient's business hours, it is taken to have been received on the next business day.".

Substitution of rule 21

10. For rule 21 (sending of notices by post) of the 2007 Rules, substitute—

"**Sending of notices**

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

(a) by post; or

(b) by using electronic communications to send the notice or document (as the case may be) to a person at such address as may for the time being be specified by the person for that purpose.".

Insertion of new rule 21A

11. After rule 21 of the 2007 Rules, insert—

(**7**) Section 15(1) was amended by section 406(1) of, and paragraph 158 of Schedule 17 to, the Communications Act 2003 (c. 21).

"**Withdrawal of consent to use of electronic communications**

21A. Where a person is no longer willing to accept the use of electronic communications for any purpose which, under these Rules, is capable of being carried out using such communications, the person must give notice in writing—

(a) withdrawing any address notified to the authorising authority or the inspector for that purpose, or

(b) revoking any agreement entered into with the authorising authority or the inspector for that purpose,

and such withdrawal or revocation is final and takes effect on a date specified by the person in the notice but not less than 7 days after the date on which the notice is given.".

Lucy Frazer
Parliamentary Under Secretary of State
Ministry of Justice

26th February 2018