

SCHEDULE

Agricultural Land Tribunals Rules

PART 2

Applications and replies

Making an application

2.—(1) An application to the Tribunal must be made in writing.

(2) The application must state —

- (a) the name and address of the applicant;
- (b) the name and address of every respondent;
- (c) the address, description and area of all land which is referred to in the application;
- (d) the reasons for the application including particulars of any hardship to the applicant;
- (e) the order and every other remedy which the applicant seeks;
- (f) the name and address of every person who appears to the applicant to be an interested party, with reasons for that person's interest;
- (g) where the applicant bases his application on the ground of hardship to any person other than himself, the name and address of each such person and particulars of the hardship on which the applicant relies; and
- (h) the name, address and profession of any representative of the applicant and whether the Tribunal should deliver notices concerning the application to the representative instead of to the applicant.

(3) The application and any supporting written statement must state at the end "I believe that the facts stated in this document are true" and be signed by the applicant or the applicant's representative.

(4) The application, any supporting written statement and any accompanying material must be delivered to the Secretary, together with copies of those documents for all respondents.

Acknowledgement, registration and delivery of applications

3.—(1) Upon receiving an application the Secretary must—

- (a) deliver an acknowledgement of its receipt to the applicant or the applicant's representative;
- (b) enter brief particulars of it in the register; and
- (c) deliver copies of the application to the named respondents.

(2) The Secretary must, at the same time, advise the applicant or the applicant's representative, the respondents and interested parties in writing of the following information—

- (a) the title of the proceedings;
- (b) the case number of the application entered in the register;
- (c) the address to which notices and other communications to the Tribunal must be delivered;
- (d) any further steps which they must take; and
- (e) that general procedural guidance in relation to the proceedings may be obtained from the office of the Tribunal.

Status: This is the original version (as it was originally made).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

Action by respondent on receipt of an application

4.—(1) A respondent who receives a copy of an application must deliver to the Secretary a written reply acknowledging receipt of the application and setting out—

- (a) the title of the proceedings, the name of the applicant and the case number;
- (b) his name and address and the name and address of every person who appears to the respondent to be an interested party who is not already named in the application, with reasons for that person's interest;
- (c) a statement whether or not he intends to resist the application and, if so, the reasons for resisting it or the position he will adopt;
- (d) whether he intends to be present or be represented at any hearing; and
- (e) the name, address and the profession of any representative and whether the Tribunal should deliver notices concerning the application to the representative instead of to the respondent.

(2) The reply must state at the end "I believe that the facts stated in this document are true" and be signed by the respondent or the respondent's representative and must be delivered to the Secretary within one month of the date on which the application was delivered to the respondent by the Secretary.

(3) Copies of the reply and any accompanying material must be provided to the Secretary for all applicants.

(4) The Secretary must deliver copies of the reply to the applicant.

(5) A reply which is delivered to the Secretary after the time appointed by paragraph (3) which contains the respondent's reasons for the delay must be treated as including an application for an extension of the time so appointed.

(6) Subject to rules 39 and 40(6), a respondent who has not delivered a written reply within the time appointed or extended may not, without the approval of the Chairman, take any part in the proceedings before the Tribunal on the application except—

- (a) to apply for an extension of time for delivering a reply;
- (b) to apply for a direction that the applicant provide further particulars of his application;
- (c) to apply under rule 32 for a review of the Tribunal's decision for the reason that the respondent did not receive the application or statement of reasons or was not able to deliver a reply;
- (d) to be called as a witness; or
- (e) to be delivered a copy of a decision or corrected decision.

Additional matters

5. The applicant or respondent may include in the application or reply, or in a separate application to the Tribunal, as appropriate—

- (a) a request for disclosure of any document or additional information about an application or reply;
- (b) a request for an early hearing of the application or of any question relating to the application, with the reasons for that request;
- (c) consent to the matter being dealt with on written representations only;
- (d) an application under rule 27(2) for permission to rely on the evidence of more than two experts;
- (e) a request for a decision on any question as a preliminary issue.

Withdrawal of application or reply

- 6.—(1) A party may withdraw his application or reply—
- (a) at any time before the hearing of the application by delivering to the Secretary a notice signed by the party or the party's representative stating that the application or reply is withdrawn; or
 - (b) at the hearing of the application, with the permission of the Tribunal.
- (2) The withdrawal of an application or reply does not prevent the Tribunal from exercising its power to award costs.
- (3) Any application for such an award of costs must be made promptly.

Documents and other material to accompany application or reply

- 7.—(1) A party must deliver with his application or reply two copies of the following documents (with copies for all other parties)—
- (a) maps of any land which is referred to in the application or reply on a scale of 1/10,000 or larger;
 - (b) every other map (which, where possible, should be on a scale of 1/10,000 or larger), plan, certificate, report or other document which he intends to rely upon for the purposes of his application or reply.
- (2) The Chairman may excuse a party from providing any document referred to in paragraph (1) where the document could more conveniently be provided by some other party or where it would be unreasonable on the grounds of expense or otherwise to require it to be delivered at this stage.
- (3) A party need not provide a document if copies have already been delivered to the Secretary.