

SCHEDULE

Agricultural Land Tribunals Rules

PART 3

Preliminary procedures

Amendment of application or reply

8.—(1) A party may, at any time before he is notified of the date of the hearing of the application, amend his application or reply, or deliver a supplementary statement of reasons for the application or reply.

(2) A party may amend his application or reply with the permission of the Chairman at any time after he has been notified of the date of the hearing of the application or at the hearing itself with the permission of the Tribunal and such permission may be granted on terms that the Chairman or Tribunal thinks fit.

(3) A party must deliver a copy of every amendment and supplementary statement to the Secretary and to all other parties.

Action by interested parties on receipt of copy of application or reply

9.—(1) An interested party may give notice to the Secretary that he wishes to take part in the proceedings as a respondent.

(2) That person must include in the notice—

- (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 him 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 and 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 him.

(3) A person who wishes to take part in the proceedings must deliver to the Secretary copies of the notice and accompanying documents to enable the Secretary to send a copy to each of the other parties.

(4) A notice given under this rule shall, if the person giving it is made a respondent to the proceedings, be treated as that person's reply to the application.

Addition of new parties to the proceedings

10. If the Chairman considers, whether on the application of a party or otherwise, that it is desirable that a person having an interest in the proceedings be made a party, the Chairman may order that person to be joined as a respondent or, with the consent of that person, as an applicant and may give any consequential directions which may be just including directions as to the delivery of documents.

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Directions

11.—(1) At any stage of the proceedings the Chairman may, either of his own initiative or on the application of a party, give the directions he considers necessary or desirable in the conduct of the application, and may in particular—

- (a) direct any party to provide, to the Tribunal and to the other parties, any further information or supplementary statements or to produce any documents or copies of any documents which may reasonably be required;
- (b) where a party has access to information which is not reasonably available to the other party, direct the party who has access to the information to prepare and file a summary recording the information;
- (c) direct a party who wishes to rely on the evidence of any witness to deliver a signed statement or report of that witness to the Secretary and to the other parties;
- (d) give a direction as to—
 - (i) the issues on which the Tribunal may require evidence;
 - (ii) the nature of that evidence; and
 - (iii) the way in which the evidence is to be placed before the Tribunal;
- (e) by direction exclude evidence that would otherwise be admissible if the evidence is irrelevant, unnecessary or improperly obtained;
- (f) by direction limit cross-examination;
- (g) direct any party to lodge before the hearing an outline argument; or
- (h) give any direction necessary in the exercise of any of powers conferred by these Rules.

(2) It is a condition of the supply of any document that a party must only use the document supplied for the purposes of the proceedings.

(3) A party cannot be directed to produce any document which a party could not be compelled to produce on the trial of an action in a court of law.

(4) In giving effect to this rule, the Chairman must take into account the need to protect any matter that relates to confidential material.

Case management meeting

12.—(1) If the Chairman concludes that any proceedings would be facilitated by holding a case management meeting, he may, on the application of a party or on his own initiative, give directions for a case management meeting to be held.

(2) The Secretary must give the parties not less than 14 days' notice, or a shorter time if agreed by all parties, of the time and the place of the case management meeting.

(3) At a case management meeting the Chairman must give all directions which appear necessary or desirable for the conduct of the application and where appropriate set a time and place for the hearing of the application and a timetable for the hearing.

(4) The Chairman may encourage parties or their expert witnesses to meet with a view to resolving the dispute without a hearing or with a view to narrowing the issues for the hearing.

Preliminary issues

13.—(1) The Chairman may direct that any question of fact or law which appears to be in issue in the application be decided at a preliminary hearing.

(2) If, in the opinion of the Tribunal, deciding that question substantially disposes of the whole application, the Tribunal may treat the preliminary hearing as the hearing of the application and may give such direction as it thinks fit to dispose of the application.

(3) The Tribunal may decide the question and may also dispose of the application without a further hearing, but, in each case, only if—

- (a) the parties so agree and the Tribunal has considered any representations made by them;
- (b) having regard to the material before it and the nature of the issues raised, to do so would not prejudice the administration of justice; and
- (c) there is no important public interest consideration that requires a hearing in public.

(4) Rule 30 applies to the Tribunal's decisions on a preliminary issue.

Varying or setting aside of directions

14. Where a person to whom a direction issued under these Rules is addressed had no opportunity of objecting to the giving of the direction, that person may apply to the Tribunal, or Chairman as appropriate, to vary it or set it aside, but the Chairman or Tribunal must not do so without first notifying the parties and considering any representations made by them.

Failure to comply with directions

15.—(1) If any direction given to a party under these Rules is not complied with by that party, the Tribunal may, before or at the hearing—

- (a) dismiss the whole or part of the application; or
- (b) strike out the whole or part of a reply and, where appropriate, direct that a respondent is debarred from contesting the application altogether or some part of it.

(2) But a Tribunal must not dismiss, strike out or give such a direction unless notice has been delivered to the party who has not complied, giving that party an opportunity to comply within the period specified in the notice or to establish why the Tribunal should not dismiss, strike out or give such a direction.

Notice of date, time and place

16.—(1) Subject to any direction of the Chairman, the Secretary must, with due regard to the reasonable convenience of the parties, and as soon as reasonably practicable, fix the date, time and place of a hearing and, where appropriate, set a timetable for the hearing and, not less than 14 days before the first date fixed (or a shorter time if agreed by the parties), deliver to each party a notice that the hearing is to be or commence on that date and at that time and place and the details of any timetable for the hearing.

(2) The Secretary must include with the notice of hearing—

- (a) information and guidance as to attendance at the hearing of the parties and witnesses, the bringing of documents, and the right of representation or assistance by another person and the procedure applicable to the hearing, having regard to any applicable burden and standard of proof and rules of evidence;
- (b) a statement of the right of the parties to receive reasons in writing for a decision of the Tribunal unless the decision is made by consent of all parties;
- (c) a statement explaining the advantages of attendance, the consequences of non-attendance, and the right of an applicant and of any party who has presented a reply, who does not intend to be present or represented at the hearing, to deliver to the Secretary and the other

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parties, before the hearing, additional written representations or evidence in support of their case; and

- (d) a request to be informed of any special requirements, such as for wheelchair access, which a party, representative or witness may have.

(3) When a party receives the notice of the date, time and place of the hearing, he must inform the Secretary whether or not he intends to be present or represented at the hearing, and whether he intends to call witnesses and, if so, their names.

Public notice of hearings

17. The Secretary must provide for public inspection at the office of the Tribunal or through other media a list of all applications for which a hearing is to be held and of the time and place fixed for the hearing.

Consolidation or hearing together of applications

18.—(1) Where two or more applications have been lodged in respect of the same subject matter, or in respect of several interests in the same subject matter, or which involve the same or similar issues, the Chairman may, on the application of any party to the applications or on his own initiative, direct that the applications or any particular issue or matter raised in the applications be consolidated or heard together or consecutively.

(2) Before giving a direction under this rule, unless all parties have consented, the Secretary must give notice to the parties to the applications and the Chairman must consider any representations made in consequence of the notice.

(3) Subject to any specific provisions of these Rules or directions by the Chairman, all applications to the Tribunal in respect of any particular holding, whether made by the landlord or tenant, must be heard and determined together.

Power to decide application without a hearing

19.—(1) The Tribunal may (except in a drainage case) deal with an application or preliminary issue without a hearing if—

- (a) no reply is delivered to the Secretary within the time appointed by rule 4 or any extension of time granted under rule 51 or the parties agree in writing or the respondent states in writing that he does not oppose the application;
- (b) there is no other opposition to the application;
- (c) having regard to the material before the Tribunal and the nature of the issues raised by the application the Tribunal considers that to do so will not prejudice the administration of justice; and
- (d) there is no important public interest consideration that requires a hearing in public.

(2) Before deciding an application in the absence of a party, the Tribunal must consider any representations in writing submitted by that party in response to a notice of hearing.

(3) Nothing in this rule prevents a party from making an application for a review of the Tribunal's decision under rule 32.

Hearing bundles

20.—(1) When practicable and subject to any directions that the Chairman may make, the applicant must compile a hearing bundle containing copies of all relevant documents.

- (2) The respondent must assist with the preparation of the hearing bundle.

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- (3) The contents must be agreed, indexed and paginated.
- (4) The applicant must deliver four copies of the bundle to the Secretary and one copy to each of the parties not less than 7 days before the start of the hearing.