

## Chapter I

### Model Rules Concerning the Conduct of Appeals

## Part VI

### The Hearing

#### *Arrangements for the hearing*

#### **Fixing the date for the hearing**

20.—(1) The following Rules of this Part apply where the appeal is to be decided on the basis of an oral hearing.

(2) When the tribunal has received the notice of appeal, the additional material and the reply, the Registrar must without delay fix a date for the hearing, bearing in mind—

- (a) the seriousness and complexity of the case;
- (b) the convenience of the parties;
- (c) whether there is to be a pre-hearing review under rule 24;
- (d) whether representations are to be (or have been) invited under rule 16.

(3) The Registrar must serve on the parties a notice informing each of them—

- (a) of the time and place of the hearing of the appeal;
- (b) where there is to be a pre-hearing review, of the time and place of the review and the powers of the Chairman in relation to the review.

(4) The date fixed for the hearing must be no less than twenty one days and no more than six weeks after the date of the notice under paragraph (3).

(5) The notice must include guidance in a form approved by the Chairman, regarding the procedure which will apply to the hearing, including in particular information about—

- (a) attending the hearing and bringing documents and evidence;
- (b) calling witnesses and the power of the tribunal to summon witnesses;
- (c) the right to be represented or assisted at the hearing;
- (d) the right to receive reasons in writing for the determination made by the tribunal;
- (e) the limitation imposed by rule 32 on any award of costs which the tribunal is able to make; and
- (f) the right to appeal on a question of law arising from the decision of the tribunal.

#### **Action by appellant and Authority on receiving notice of hearing**

21.—(1) No less than fourteen days before the date fixed for the hearing, the appellant and the Authority—

- (a) must each inform the tribunal whether or not he (or it) intends to appear or be represented at the hearing, and which, if any, witnesses he (or it) intends to call; and
- (b) may each, if he (or it) does not intend to appear or be represented at the hearing, send to the Registrar further written representations in support of material already sent to the Registrar.

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(2) The Registrar must as soon as practicable send to each of the parties a copy of any representations received under this rule.

**Alteration of place or time of the hearing**

22.—(1) The Registrar may alter the time and place of the hearing—

- (a) where both the appellant and the Authority agree; or
- (b) in exceptional circumstances, provided that the altered date of the hearing is not earlier than the original date.

(2) Where the Registrar alters the time or place of the hearing under paragraph (1)(b), he must without delay inform the appellant and the Authority in writing of the alteration and the reasons for it.

**Publication of notice of hearings**

23.—(1) The Registrar must publish a list of all appeals for which an oral hearing is to be held and of the time and place fixed for each hearing. Publication may be in such manner as the Chairman may direct, taking into account the need for transparency, the importance of each appeal and the degree of public interest in each appeal.

(2) The Registrar must, subject to paragraph (3), make available on request the material supplied by each party in relation to each appeal for which an oral hearing is to be held.

(3) Where any material supplied by either party contains any matter which is confidential, the party may request that for that reason it is not made available under this rule, or is made available in an amended form, and in such a case the material must be made available to such extent and in such form as the Chairman thinks appropriate, and the Chairman may make such deletions from any material as may be necessary for the purposes of complying with this paragraph.

(4) For the purposes of this rule, a matter is confidential if—

- (a) it relates to intimate personal or financial circumstances, is commercially sensitive, or consists of information communicated or obtained in confidence; or
- (b) its disclosure would be contrary to the interests of national security.

(5) This rule does not affect any duty of confidentiality imposed by or under any other enactment or by any rule of law.