

SCHEDULE 2

CONDUCT AND PROCEDURE IN RELATION TO APPEALS AND APPLICATIONS

PART I

COMMON PROVISIONS IN CONNECTION WITH APPEALS AND APPLICATIONS

- 1.—(1) Subject to the provisions of these Regulations—
- (a) the procedure in connection with the consideration of any appeal, or any application in relation to questions to which these Regulations relate, shall be such as the adjudication officer, chairman of the tribunal or the Commissioner may determine;
 - (b) any person who by virtue of these Regulations has the right to be heard at a hearing may be accompanied and represented by another person whether having professional qualifications or not, and for the purposes of any proceedings at any hearing any such representative shall have all the rights and powers to which the person whom he represents is entitled under these Regulations.
- (2) Nothing in these Regulations shall prevent a member of the Council on Tribunals or of the Scottish Committee of that Council in his capacity as such from being present at any oral hearing before a tribunal or a Commissioner, notwithstanding that the hearing is not in public.
2. Reasonable notice (being not less than 10 days beginning on the day on which notice is given and ending on the day before the hearing of the appeal) of the time and place of any oral hearing before the tribunal or the Commissioner shall be given to every party to the proceedings, and if such notice has not been given to a person to whom it should have been given under the provisions of this paragraph the hearing may proceed only with the consent of that person.
3. At any oral hearing any party to the proceedings shall be entitled to be present and be heard.

Postponements and adjournments

- 4.—(1) Where a person to whom notice of an oral hearing has been given wishes to apply for that hearing to be postponed he shall do so in writing to the chairman of the tribunal or the Commissioner stating his reasons for the application and the chairman or the Commissioner may grant or refuse the application as he sees fit.
- (2) An oral hearing may be adjourned at any time on the application of any party to the proceedings or on the motion of the tribunal or the Commissioner.

Striking out of proceedings for want of prosecution

- 5.—(1) The chairman of a tribunal or the Commissioner may, subject to sub-paragraph (2), on the application of any party to the proceedings or of his own motion, strike out any appeal or application for want of prosecution.
- (2) Before making an order under sub-paragraph (1) the chairman of a tribunal or the Commissioner, shall send a notice to the person against whom it is proposed that any order should be made giving him a reasonable opportunity to show cause why such an order should not be made.
- (3) The chairman of a tribunal or the Commissioner, may, on application by the party concerned, give leave to reinstate any application or appeal which has been struck out in accordance with sub-paragraph (1).