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STATUTORY INSTRUMENTS

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**2007 No. 3612**

**The General Commissioners and Special Commissioners  
(Jurisdiction and Procedure) (Amendment) Regulations 2007**

**Amendment to the General Commissioners (Jurisdiction and Procedure) Regulations 1994**

5. After regulation 3 (listing and notice of hearing) insert—

**“3A. General power to give directions**

(1) A General Commissioner, before the hearing of any proceedings, and a Tribunal, at any time, may give directions to—

- (a) enable the parties to prepare for a hearing;
- (b) assist the Tribunal to determine the issues; or
- (c) ensure the just, expeditious and economical determination of the proceedings.

(2) Directions may be given on the initiative of a Tribunal or a General Commissioner or on the application of a party.

(3) An application by a party for directions, unless made during a hearing, must be made in writing to the Clerk.

(4) Unless the application is accompanied by the written consent of all parties, the Clerk must serve the application on any other party who might be affected by the directions, and that party must be given an opportunity to oppose the application.

(5) A party opposing an application must do so by notice in writing to the Clerk and any other party.

(6) When considering any objections a General Commissioner or the Tribunal may give the parties an opportunity to be heard.

**3B. Preliminary hearing**

(1) A General Commissioner may, on the application of a party or on the General Commissioner’s own initiative, hold a preliminary hearing to—

- (a) secure the just, expeditious and economical conduct of the proceedings;
- (b) ensure that the parties make all such admissions and agreements as ought reasonably to be made; and
- (c) determine any preliminary question of fact or law which appears to be in issue.

(2) The Clerk shall give the parties not less than 14 days’ notice of the preliminary hearing, unless—

- (a) the parties consent to shorter notice; or
- (b) the General Commissioner thinks it is in the interests of justice for the notice to be shorter.

(3) If the determination of the preliminary question substantially disposes of the proceedings, the Tribunal may, after hearing any representations from the parties, —

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- (a) treat the preliminary hearing as the substantive hearing; and
- (b) make such order by way of disposing of the proceedings as necessary.”.