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STATUTORY INSTRUMENTS

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**2009 No. 1976**

**The Tribunal Procedure (First-tier Tribunal)  
(General Regulatory Chamber) Rules 2009**

**PART 3**

Proceedings before the Tribunal

CHAPTER 3

Hearings

**Decision with or without a hearing**

**32.**—(1) Subject to paragraphs (2) and (3), the Tribunal must hold a hearing before making a decision which disposes of proceedings unless—

- (a) each party has consented to the matter being determined without a hearing; and
- (b) the Tribunal is satisfied that it can properly determine the issues without a hearing.

(2) This rule does not apply to a decision under Part 4 (correcting, setting aside, reviewing and appealing Tribunal decisions).

(3) The Tribunal may in any event dispose of proceedings without a hearing under rule 8 (striking out a party's case).

(4) Notwithstanding any other provision in these Rules, if the Tribunal holds a hearing to consider a preliminary issue, and following the disposal of that preliminary issue no further issue remains to be determined, the Tribunal may dispose of the proceedings without holding any further hearing.

**Entitlement to attend and take part in a hearing**

**33.**—(1) Subject to rule 35(4) (exclusion of a person from a hearing) each party is entitled to—

- (a) attend any hearing that is held; and
- (b) send written representations to the Tribunal and each other party prior to the hearing.

(2) The Tribunal may give a direction permitting or requesting any person to—

- (a) attend and take part in a hearing to such extent as the Tribunal considers proper; or
- (b) make written submissions in relation to a particular issue.

**Notice of hearings**

**34.**—(1) The Tribunal must give each person entitled, permitted or requested to attend a hearing (including any adjourned or postponed hearing) reasonable notice of the time and place of the hearing and any changes to the time and place of the hearing.

(2) The period of notice under paragraph (1) in relation to a hearing to consider disposal of the proceedings must be at least 14 days, except that the Tribunal may give shorter notice—

- (a) with the parties' consent; or
- (b) in urgent or exceptional circumstances.

**Public and private hearings**

- 35.**—(1) Subject to the following paragraphs, all hearings must be held in public.
- (2) The Tribunal may give a direction that a hearing, or part of it, is to be held in private.
  - (3) Where a hearing, or part of it, is to be held in private, the Tribunal may determine who is permitted to attend the hearing or part of it.
  - (4) The Tribunal may give a direction excluding from any hearing, or part of it—
    - (a) any person whose conduct the Tribunal considers is disrupting or is likely to disrupt the hearing;
    - (b) any person whose presence the Tribunal considers is likely to prevent another person from giving evidence or making submissions freely;
    - (c) any person who the Tribunal considers should be excluded in order to give effect to the requirement at rule 14(10) (prevention of disclosure or publication of documents and information); or
    - (d) any person where the purpose of the hearing would be defeated by the attendance of that person.
  - (5) The Tribunal may give a direction excluding a witness from a hearing until that witness gives evidence.

**Hearings in a party's absence**

- 36.** If a party fails to attend a hearing the Tribunal may proceed with the hearing if the Tribunal—
- (a) is satisfied that the party has been notified of the hearing or that reasonable steps have been taken to notify the party of the hearing; and
  - (b) considers that it is in the interests of justice to proceed with the hearing.