
STATUTORY INSTRUMENTS

2013 No. 1169

**The Tribunal Procedure (First-tier
Tribunal) (Property Chamber) Rules 2013**

PART 2

General Powers and Provisions

Disclosure, evidence and submissions

18.—(1) Without restriction on the general powers in rule 6(1) and (2) (case management powers), the Tribunal may give directions as to—

- (a) the exchange between parties of lists of documents which are relevant to the application, or relevant to particular issues, and the inspection of such documents;
- (b) the provision by parties of statements of agreed matters;
- (c) issues on which it requires evidence or submissions;
- (d) the nature of the evidence or submissions it requires;
- (e) whether the parties are permitted or required to provide expert evidence, and if so whether the parties must jointly appoint a single expert to provide such evidence;
- (f) any limit on the number of witnesses whose evidence a party may put forward, whether in relation to a particular issue or generally;
- (g) the manner in which any evidence or submissions are to be provided, which may include a direction for them to be given—
 - (i) orally at a hearing; or
 - (ii) by written submissions or witness statement; and
- (h) the time at which any evidence or submissions are to be provided.

(2) Instead of giving directions under paragraph (1)(a), the Tribunal may provide for the disclosure and inspection of documents to any extent which it considers relevant to the issues in dispute, including—

- (a) taking all reasonable steps to ensure that each of the parties is given a copy of any document which has been received from any other party or former party; or
- (b) supplying the parties with a copy of any document which embodies the results of any relevant enquiries made by or for the Tribunal for the purposes of the proceedings.

(3) A party to whom a document has been disclosed may use the document only for the purpose of the proceedings in which it is disclosed except where—

- (a) the document has been read to or by the Tribunal, or referred to, at a hearing which has been held in public;
- (b) the Tribunal gives permission; or
- (c) the party who disclosed the document and the person to whom the document belongs agree.

(4) The Tribunal may make an order restricting or prohibiting the use of a document which has been disclosed, even where the document has been read to or by the Tribunal, or referred to, at a hearing which has been held in public.

(5) An application for such an order may be made—

- (a) by a party; or
- (b) by any person to whom the document belongs.

(6) The Tribunal may—

(a) admit evidence whether or not it—

- (i) would be admissible in a civil trial in England and Wales; or
- (ii) was available to a previous decision maker; or

(b) exclude evidence that would otherwise be admissible where—

- (i) the evidence was not provided within the time allowed by a direction or a practice direction;
- (ii) the evidence was otherwise provided in a manner that did not comply with a direction or a practice direction; or
- (iii) it would otherwise be unfair to admit the evidence.

(7) The Tribunal may consent to a witness giving, or require any witness to give, evidence on oath, and may administer an oath for that purpose.

(8) 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.

(9) On receipt of written notice from the Tribunal of an application under the 1991 Act, the Secretary of State must provide the Tribunal with a report on the matters to which the application relates.