
WELSH STATUTORY INSTRUMENTS

2012 No. 531

**The Residential Property Tribunal Procedures
and Fees (Wales) Regulations 2012**

PART 2

RESIDENTIAL PROPERTY TRIBUNAL PROCEDURES

The overriding objective and parties' obligation to co-operate with the tribunal

3.—(1) When a tribunal—

- (a) exercises any power under these Regulations; or
- (b) interprets any regulation,

it must seek to give effect to the overriding objective of dealing fairly and justly with applications which it is to determine.

(2) Dealing with an application fairly and justly includes—

- (a) dealing with it in ways which are proportionate to the complexity of the issues and to the resources of the parties;
- (b) ensuring, so far as practicable, that the parties are on an equal footing procedurally and are able to participate fully in the proceedings;
- (c) assisting any party in the presentation of the party's case without advocating the course the party should take;
- (d) using the tribunal's special expertise effectively; and
- (e) avoiding delay, so far as is compatible with proper consideration of the issues.

(3) Parties must—

- (a) help the tribunal to further the overriding objective; and
- (b) co-operate with the tribunal generally.

Request for extension of time to make an application

4.—(1) This regulation applies where a person makes a request to a tribunal for permission to make an application after the end of the period stipulated in the 2004 Act or the 1983 Act as the period within which the application must be made.

(2) A request to which this regulation applies must—

- (a) be in writing;
- (b) give reasons for the failure to make the application before the end of that period and for any delay since then;
- (c) include a statement that the person making the request believes that the facts stated in it are true; and

(d) be dated and signed.

(3) Where a request mentioned in paragraph (1) is made, the applicant must at the same time send the completed application to which the request relates to the tribunal.

(4) A single qualified member of the panel⁽¹⁾ may grant or refuse a request made under paragraph (1).

Limit on the number of pitches, mobile homes or references on a single application under the 1983 Act

5.—(1) Where an application to a tribunal to determine any question arising under the 1983 Act relates to more than one pitch or mobile home, the application may refer to only one provision of the 1983 Act.

(2) No application to a tribunal to determine any question arising under the 1983 Act may relate to more than 20 pitches or mobile homes.

Particulars of application

6.—(1) An application must be in writing and must contain the following particulars—

- (a) the name and address of the applicant;
- (b) the name and address of the respondent where known to the applicant or, where not known, a description of the respondent's connection with the premises;
- (c) the address of the premises;
- (d) the applicant's connection with the premises;
- (e) the applicant's reasons for making the application including the remedy sought;
- (f) where known to the applicant, the name and address of any interested person;
- (g) a statement that the applicant believes that the facts stated in the application are true;
- (h) be dated and signed; and
- (i) in respect of each application to which a paragraph in the Schedule to these Regulations applies, the documents specified in sub-paragraph (2) of that paragraph.

(2) Any of the requirements contained in paragraph (1) may be dispensed with or relaxed if the tribunal is satisfied that—

- (a) the particulars and documents contained in an application are sufficient to establish that the application is one which may be made to a tribunal; and
- (b) no prejudice will be, or is likely to be, caused to any party to the application as a result of such dispensation or relaxation.

(3) A single qualified member of the panel may exercise the power conferred by paragraph (2).

Applications following transfer of application made under the 1983 Act from the court to a tribunal

7.—(1) Where a court transfers to a tribunal any matter arising from an application to the court made under the 1983 Act, the applicant must, in addition to complying with the requirements contained in regulation 6(1), include in the application a copy of the court order by which the matter was transferred.

(1) For the meaning of "single qualified member of the panel" see paragraph 6(2) to (4) of Schedule 13 to the Housing Act 2004.

(2) The tribunal may dispense with or relax any of the requirements contained in paragraph (1) if the tribunal is satisfied that it has received sufficient particulars and documents from the court to establish that the application is one which may be made to a tribunal.

(3) A single qualified member of the panel may exercise the power conferred by paragraph (2).

Acknowledgement and notification of application by tribunal

8.—(1) As soon as practicable after receiving the application, the tribunal must—

- (a) send an acknowledgement of receipt to the applicant; and
- (b) send a copy of the application and of each document accompanying it to the respondent.

(2) Except in a case to which regulation 10 or 11 applies, the tribunal must also send to the respondent a notice—

- (a) specifying the date by which the respondent must send the reply mentioned in regulation 9;
- (b) specifying that any response must include—
 - (i) a statement as to whether or not the respondent intends to oppose the application;
 - (ii) where not already included in the application, the name and address of each interested person known to the respondent; and
 - (iii) the address to which documents should be sent for the purposes of the proceedings; and
- (c) warning the respondent that if the respondent does not respond by the date specified, and with the information specified the tribunal may—
 - (i) assume that the respondent does not intend to oppose the application; and
 - (ii) proceed with the matter in any way it considers to be reasonable in the circumstances of the case.

(3) The date specified in the notice referred to in paragraph (2) must not be less than 14 days after the date specified in the notice as the date on which it was made.

Reply by respondent

9.—(1) Where a respondent receives the notice mentioned in regulation 8(2), the respondent must by the date specified in the notice send to the tribunal a written reply acknowledging receipt of the copy documents sent in accordance with regulation 8(1)(b) and provide the information required under regulation 8(2).

(2) Where the respondent fails to respond by the date specified in the notice mentioned in regulation 8(2) or fails to provide the information required under that paragraph, the tribunal may proceed with the matter in any way it considers to be reasonable in the circumstances of the case.

Urgent IMO authorisation applications

10.—(1) This regulation applies where the LHA requests a tribunal to deal with an IMO authorisation application as a matter of urgency.

(2) Where it appears to the tribunal, on the basis of information accompanying the application, that the exceptional circumstances mentioned in paragraph (3) exist, it must order that an oral hearing (an “urgent oral hearing”) be held.

(3) The exceptional circumstances are that—

- (a) there is an immediate threat to the health and safety of the occupiers of the house or to persons occupying or having an estate or interest in any premises in the vicinity of the house; and

- (b) by making the interim management order as soon as possible (together where applicable with such other measures as the LHA intends to take) the LHA will be able to take immediate appropriate steps to arrest or significantly reduce the threat.
- (4) The tribunal must as soon as practicable notify the parties and each interested person whose name and address have been notified to it—
 - (a) that the application is being dealt with as a matter of urgency under this regulation;
 - (b) of the reasons why it appears to the tribunal that the exceptional circumstances exist;
 - (c) of any requirement to be satisfied by a party before the hearing; and
 - (d) of the date on which the urgent oral hearing will be held.
- (5) The date of the hearing must be not less than 4 days, and not more than 10 days, after the date that notification of the urgent oral hearing is sent.
- (6) At the urgent oral hearing the tribunal must—
 - (a) if it is satisfied upon hearing evidence that the exceptional circumstance do exist, determine the application; or
 - (b) if it is not so satisfied—
 - (i) adjourn the hearing; and
 - (ii) give such directions as it considers appropriate.
- (7) A single qualified member of the panel may—
 - (a) exercise the power conferred by paragraph (2); and
 - (b) decide the date of the urgent oral hearing.
- (8) Where the tribunal orders an urgent oral hearing under paragraph (2) the notice provisions contained in the following regulations do not apply to the application—
 - (a) regulation 24(5) (notice for an inspection); and
 - (b) regulation 28(2) and (4) (notice of hearing).

Urgent applications under the 1983 Act relating to sale or gift of a mobile home

- 11.**—(1) This regulation applies where an applicant requests a tribunal, as a matter of urgency—
- (a) to deal with an application under paragraph 8(1E) (sale of mobile home) of Chapter 2 of Part 1 of Schedule 1 to the 1983 Act for the purposes of paragraph 8(1) or 9(1) (sale or gift of mobile home) of that Chapter; or
 - (b) to determine under section 4(2) (jurisdiction of a tribunal) of the 1983 Act the question whether it was reasonable for the owner not to approve a person for the purposes of paragraph 8(1) or 9(1) of Chapter 2 of Part 1 of Schedule 1 to the 1983 Act.
- (2) Where a tribunal is satisfied, on the basis of evidence accompanying the application, that the exceptional circumstances mentioned in paragraph (3) exist, it must order that an oral hearing (an “urgent oral hearing”) be held.
- (3) The exceptional circumstances are that—
- (a) the site owner either—
 - (i) has not responded to the notice served on the site owner to approve a person under paragraph 8(1A) of Chapter 2 of Part 1 of Schedule 1 to the 1983 Act for the purposes of paragraph 8(1) or 9(1) of that Chapter; or
 - (ii) did not give approval for the purposes of paragraph 8(1) or 9(1) of Chapter 2 of Part 1 of Schedule 1 to the 1983 Act and the applicant considers that the site owner’s refusal was unreasonable;

- (b) the person whom the applicant has asked the site owner to approve under paragraph 8 or 9 is ready, willing and able to become the occupier of the mobile home;
 - (c) the tribunal is satisfied that, subject to approval being given under paragraph 8 or 9, the purchase or gift of the mobile home and its assignment to that person will be completed with minimum delay; and
 - (d) the applicant has provided evidence to the tribunal indicating that—
 - (i) the site owner has previously unreasonably withheld approval under paragraph 8 or 9 in respect of a mobile home on a protected site belonging to that site owner; or
 - (ii) a person has previously declined to proceed with the purchase or gift of a mobile home on the protected site on which the mobile home is situated as a result of the actions or words of the site owner.
- (4) The tribunal must as soon as practicable notify the parties and each interested person whose name and address have been notified to it—
- (a) that the application is being dealt with as a matter of urgency under this regulation;
 - (b) of the reasons why it appears to the tribunal that the exceptional circumstances exist;
 - (c) of any requirement to be satisfied by a party before the hearing; and
 - (d) of the date of the urgent oral hearing.
- (5) The date of the first urgent oral hearing must be set to take place not less than 4 days, and not more than 10 days, after the date on which notification of the urgent oral hearing is sent.
- (6) At the urgent oral hearing the tribunal must—
- (a) if it is satisfied upon hearing evidence that the exceptional circumstances exist, determine the application; or
 - (b) if it is not so satisfied—
 - (i) adjourn the hearing; and
 - (ii) give such directions as it considers appropriate.
- (7) Where an urgent oral hearing set under paragraph (5) is adjourned, the next date set for any subsequent hearing must be not later than 7 days following the date of the previous adjournment.
- (8) Where the tribunal orders an urgent oral hearing the notice provisions contained in the following regulations do not apply to the application—
- (a) regulation 24(5) (notice for an inspection); and
 - (b) regulation 28(2) and (4) (notice of hearing).
- (9) A single qualified member of the panel may—
- (a) exercise the powers conferred by paragraph (2); and
 - (b) decide the date of any urgent oral hearing.

Applications under the 1983 Act relating to detrimental effect of mobile homes on the amenity of the site

12.—(1) This regulation applies where a site owner applies for a determination by a tribunal under paragraph 5A(2)(a) of Chapter 2 of Part 1 of Schedule 1 to the 1983 Act that, having regard to its condition, the mobile home is having a detrimental effect on the amenity of the site.

(2) Where, in the course of a hearing, the tribunal considers that the mobile home is having a detrimental effect on the amenity of the site, but that if certain repairs to the mobile home were carried out, the mobile home would cease to have such a detrimental effect, it must—

- (a) inform the site owner and the occupier of the repairs which the tribunal considers should be carried out;
 - (b) invite both the occupier of the mobile home and the site owner to indicate in relation to those repairs—
 - (i) the time needed to carry them out; and
 - (ii) the cost of carrying them out; and
 - (c) invite the occupier of the mobile home to indicate whether or not the occupier would be willing to carry out those repairs.
- (3) The tribunal, having regard to any indications given under paragraph (2)(b) and (c) must either—
- (a) make a determination under paragraph 5A(2)(a) of Chapter 2 of Part 1 of Schedule 1 to the 1983 Act; or
 - (b) where paragraph 5A(4) of Chapter 2 of Part 1 of that Schedule applies, make an interim order requiring the occupier of the mobile home to carry out such repairs within such time as the tribunal considers reasonable.
- (4) Where the tribunal makes an interim order under paragraph (3)(b), it must adjourn the hearing and set the date of a new hearing, which must be no later than 7 days from the date stipulated in the order as the date by which the repairs must be carried out.
- (5) When setting a new hearing date under paragraph (4), the tribunal must—
- (a) give the parties not less than 14 days' notice of the hearing date; and
 - (b) invite both the site owner and the occupier to indicate, no later than 4 days before the new hearing date, whether (in their opinion) the repairs described in the order have been completed.
- (6) At the new hearing—
- (a) if the tribunal has received notification from both the occupier of the mobile home and the site owner that the repairs ordered under paragraph (3)(b) have been completed, the tribunal must dismiss the application;
 - (b) if the tribunal has not received such notification it must invite any party who is present to make any further representations as to the extent of repairs left to be carried out and the time needed to carry them out; and
 - (c) having considered any such representations, it must either make a further interim order under paragraph (3)(b) of this regulation or make a determination under paragraph 5A(2)(a) of Chapter 2 of Part 1 of Schedule 1 to the 1983 Act.

Request by a person to be treated as an applicant or respondent

13.—(1) A person (“the potential party”) may make a request to the tribunal to be joined as a party to the proceedings.

- (2) Any request under paragraph (1)—
 - (a) may be made without notice;
 - (b) must be in writing;
 - (c) must give reasons for the request; and
 - (d) must specify whether the potential party wishes to be treated as—
 - (i) an applicant; or
 - (ii) a respondent.

(3) A tribunal may refuse a request under paragraph (1) where the tribunal is not satisfied that the potential party is an interested person or a person who has sufficient interest in the outcome of proceedings.

(4) As soon as practicable after reaching its decision whether to grant or refuse a request under paragraph (1), the tribunal must—

- (a) notify the potential party of the decision and the reasons for it; and
- (b) send a copy of the notification to the existing parties.

(5) Any potential party whose request under paragraph (1) is granted must be treated as an applicant or respondent for the purposes of these Regulations.

(6) In these Regulations any reference to an applicant or a respondent must be construed as including a person treated as such under this regulation, and any reference to a party must be construed as including any such person.

(7) A single qualified member of the panel may grant or refuse a request under paragraph (1).

Determining applications together

14.—(1) This regulation applies where separate applications have been made which, in the opinion of the tribunal—

- (a) in the case of applications made under the 2004 Act—
 - (i) involve related issues concerning the same premises; or
 - (ii) are made in respect of two or more premises in which the same person is the person having control of each of those premises and the same LHA is either the applicant or respondent in respect of each of those premises;
- (b) in the case of applications made under the 1983 Act—
 - (i) involve related issues concerning the same protected site; or
 - (ii) are made in respect of two or more protected sites and the site owner of each of those sites is the same.

(2) Where paragraph (1) applies, the tribunal may order that—

- (a) some or all of those applications; or
- (b) particular issues or matters raised in the applications,

are determined together.

(3) A single qualified member of the panel may exercise the power conferred by paragraph (2).

Payment of fees

15. Where a fee which is payable under Part 3 of these Regulations is not paid within a period of 14 days from the date on which the application is received, the application is treated as withdrawn unless the tribunal is satisfied that there are reasonable grounds not to do so.

Representatives

16.—(1) This regulation—

- (a) applies where a party, an interested person, or the representative of a party or an interested person, makes a request in writing to the tribunal for information or documents to be supplied to the representative of a party or interested person, but
- (b) ceases to apply when the tribunal receives written notification that the representative has ceased representing that party or interested person.

(2) A request mentioned in paragraph (1)(a) must contain the name and address of the representative.

(3) Where this regulation applies, any duty of the tribunal under these Regulations to supply any information or document to the party or interested person is satisfied by sending or giving it to the representative.

Supply of information and documents to interested persons

17.—(1) Where the tribunal is notified of the name and address of an interested person, it must ensure that as soon as is practicable that person is supplied with—

- (a) a copy of the application;
 - (b) an explanation of the procedure for applying to be joined as an applicant or respondent; and
 - (c) any other information or document which the tribunal considers appropriate.
- (2) The tribunal may ensure the supply of information or documents under paragraph (1) by—
- (a) itself supplying the interested person with the information or documents;
 - (b) itself supplying the information or documents to a representative of the interested person; or
 - (c) requiring a party by an order made under regulation 23 to supply the information or documents to the interested person or the interested person’s representative.
- (3) Subject to paragraph (4), where—
- (a) information and documents are supplied to an interested person in accordance with paragraph (1); and
 - (b) the tribunal receives a request from that interested person to continue to supply the interested person with information and documents,

the tribunal must continue to ensure the supply to that interested person of any information or document concerning the matter to which the proceedings relate which the tribunal considers appropriate.

(4) The tribunal’s duty under paragraph (3) ceases upon the interested person being joined as a party under regulation 13 or upon notification that the person no longer wishes to receive the information or documents.

Supply of documents by tribunal

18.—(1) Before determining an application, the tribunal must take all reasonable steps to ensure that each of the parties is supplied with—

- (a) a copy of any document relevant to the proceedings (or sufficient extracts from or particulars of the document) which has been received from any other party or from an interested person (other than a document already in that party’s possession or one of which that party has previously been supplied with a copy); and
 - (b) 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.
- (2) At a hearing, if a party has not previously received a relevant document or a copy of, or sufficient extracts from or particulars of, a relevant document, then unless—
- (a) that person consents to the continuation of the hearing; or
 - (b) the tribunal considers that that person has a sufficient opportunity to deal with the matters to which the document relates without an adjournment of the hearing,

the tribunal must adjourn the hearing for a period which it considers will give that person sufficient opportunity to deal with those matters.

Supply of information and documents by parties

19.—(1) Subject to paragraph (5), the tribunal may make an order requiring a party to supply to the tribunal any information or document which it is in the power of that party to supply and which is specified, or is of a description specified, in the order.

(2) The tribunal may make an order requiring a party to supply to another party, or to an interested person, copies of any documents supplied or to be supplied to the tribunal under paragraph (1).

(3) A party who is subject to an order made under paragraph (1) or (2) must supply such information, documents or copies by such time as may be specified in, or determined in accordance with, the order.

(4) Subject to paragraph (5) the tribunal may make an order requiring any person to attend an oral hearing to give evidence and produce any documents specified, or of a description specified, in the order which it is in the power of that person to produce.

(5) Paragraphs (1) and (4) do not apply in relation to any document which a person could not be compelled to produce on the trial of an action in a court of law in England and Wales.

(6) A single qualified member of the panel may make an order under paragraph (1), (2) or (4) which is—

- (a) preliminary to an oral hearing; or
- (b) preliminary or incidental to a determination.

Failure to comply with an order to supply information and documents

20. Where a party has failed to comply with an order made under regulation 19(1), (2) or (4) the tribunal may—

- (a) draw such inferences as it thinks fit; or
- (b) make an order dismissing or allowing the whole or part of the application.

Determination without a hearing

21.—(1) Subject to paragraphs (2) and (7) the tribunal may determine an application without an oral hearing if it has given the parties not less than 14 days' notice in writing of its intention to do so.

(2) At any time before the application is determined—

- (a) the applicant or the respondent may request an oral hearing; or
- (b) the tribunal may give notice to the parties that it intends to hold an oral hearing.

(3) Where a request is made or a notice given under paragraph (2) the tribunal must give notice of a hearing in accordance with regulation 28.

(4) Subject to paragraph (5), a determination without an oral hearing may be made in the absence of any representations by the respondent.

(5) In respect of an application made under paragraphs 4, 5, 5A or 10 of Chapter 2 of Part 1 of Schedule 1 to the 1983 Act, a determination without an oral hearing may only be made—

- (a) where the respondent has notified the tribunal that the respondent does not oppose the application; or
- (b) all parties have notified the tribunal that they consent to the application being determined without a hearing.

(6) A single qualified member of the panel may decide whether an oral hearing is or is not appropriate to determine an application.

(7) This regulation does not apply to an application to which regulation 10 (urgent IMO authorisation applications) or regulation 11 (urgent applications under the 1983 Act relating to sale or gift of a mobile home) applies.

Interim orders

22.—(1) A tribunal may make an order on an interim basis (an “interim order”)—

- (a) suspending, in whole or in part, the effect of any decision, notice, order or licence which is the subject matter of proceedings before it; or
- (b) for the time being granting any remedy which it would have had power to grant in its final decision.

(2) Where the tribunal makes an interim order without first giving the parties the opportunity to make representations with regard to making it, a party may request that the interim order be varied or set aside.

(3) Any such request may be made—

- (a) orally at a hearing;
- (b) in writing; or
- (c) by such other means as the tribunal may permit.

(4) The tribunal must provide to each party as soon as reasonably practicable after making an interim order a notice setting out the order and, except in the case of an order made with the consent of all parties, giving reasons for the decision to make the order.

(5) This regulation does not apply to an application to which regulation 10 (urgent IMO authorisation applications) or regulation 11 (urgent applications under the 1983 Act relating to sale or gift of a mobile home) applies.

Directions

23.—(1) A party may request the tribunal to give a direction by order under its general power in section 230(2) of the 2004 Act.

(2) A party to whom a procedural direction is addressed may request the tribunal to vary it or set it aside.

(3) A request referred to in paragraph (1) or (2) may be made—

- (a) orally at a case management conference or hearing;
- (b) in writing; or
- (c) by such other means as the tribunal may permit.

(4) A party making a request under paragraph (1) must specify the procedural directions which are sought and the reasons for seeking them.

(5) A single qualified member of the panel may give a procedural direction as to any matter which is—

- (a) preliminary to an oral hearing; or
- (b) preliminary or incidental to a determination.

(6) In paragraphs (2), (4) and (5) “procedural direction” (“*cyfarwyddyd gweithdrefnol*”) means any direction other than a direction set out in paragraphs (a) to (e) of section 230(5) or paragraphs (a) to (d) of section 230(5A) of the 2004 Act.

Inspection of premises and neighbourhood

24.—(1) Subject to paragraph (3) the tribunal may inspect—

- (a) the premises;
- (b) any other premises inspection of which may assist the tribunal in determining the application;
- (c) the locality of the premises.

(2) Subject to paragraph (3)—

- (a) the tribunal must give the parties an opportunity to attend an inspection; and
- (b) a member of the Administrative Justice and Tribunals Council who is acting in that capacity may attend any inspection.

(3) The making of and attendance at an inspection is subject to any necessary consent being obtained.

(4) Where there is an oral hearing, an inspection may be carried out before, during, or after the hearing.

(5) Subject to paragraph (6), the tribunal must give the parties not less than 14 days' notice of the date, time and place of the inspection.

(6) The requirement for notice in paragraph (5) may be dispensed with or relaxed if the tribunal is satisfied that the parties have received sufficient notice.

(7) Where an inspection is made after the close of an oral hearing, the tribunal may reopen the hearing on account of any matter arising from the inspection, after giving reasonable notice of the date, time and place of the reopened hearing to the parties.

(8) Where an application is to be determined by a single qualified member of the panel, the functions of the tribunal under this regulation may be exercised by that member.

Expert evidence

25.—(1) In this regulation “expert” (“*arbenigwr*”) means an independent expert who is not an employee of a party.

(2) Subject to paragraph (4) a party may adduce expert evidence, and in doing so must—

- (a) provide the tribunal with a written summary of the evidence; and
- (b) subject to paragraph (5), supply a copy of that written summary to each other party at least 7 days before—
 - (i) the date of the relevant oral hearing notified in relation to the application under regulation 28; or
 - (ii) the date notified under regulation 21 upon which the application will be determined without an oral hearing.

(3) An expert’s written summary of evidence must—

- (a) be addressed to the tribunal;
- (b) include details of the expert’s qualifications;
- (c) contain a summary of the instructions the expert has received for the making of the report; and
- (d) contain a statement that the expert understands and has complied with the duty to assist the tribunal on the matters within the expert’s expertise, overriding any obligation to the person from whom the expert has received instructions or by whom the expert is employed or paid.

(4) Where the tribunal gives a direction, under its general power in section 230(2) of the 2004 Act, that a party may not adduce expert evidence without its permission, it may specify as a condition of that permission that—

- (a) the expert's evidence must be limited to such matters as the tribunal directs;
- (b) the expert must attend a hearing to give oral evidence; or
- (c) the parties must jointly instruct the expert.

(5) The time limit in paragraph (2)(b) may be dispensed with or relaxed if the tribunal is satisfied that the parties have received sufficient notice.

Case management conference

26.—(1) The tribunal may hold a case management conference.

(2) The tribunal must give the parties not less than 7 days' notice of the date, time and place of the case management conference.

(3) At the case management conference the tribunal may order the parties to take such steps or do such things as appear to it to be necessary or desirable for securing the just, expeditious and economical determination of the application.

(4) The tribunal may postpone or adjourn a case management conference.

(5) A party may be represented at a case management conference.

(6) A single qualified member of the panel may exercise the power conferred by paragraph (1), (3) or (4).

Other case management powers

27.—(1) The tribunal may—

- (a) reduce the time appointed by or under these Regulations for doing any act where all parties agree the reduction in question;
- (b) extend the time appointed by or under these Regulations for doing any act, even if the time appointed has expired, where—
 - (i) it would not be reasonable to expect the person in question to comply or have complied within that time; or
 - (ii) not to extend the time would result in substantial injustice;
- (c) permit the use of telephone, video link, or any other method of communication—
 - (i) to make representations to the tribunal; or
 - (ii) for the purposes of a case management conference or hearing;
- (d) require any person giving written evidence to include with that evidence a signed statement that the person believes the facts stated in the evidence are true;
- (e) take any other step or make any other decision which the tribunal considers necessary or desirable for the purpose of managing the case.

(2) The tribunal may exercise its powers under these Regulations in response to a request to do so or on its own initiative.

(3) A single qualified member of the panel may exercise the powers under this regulation as to any matter which is preliminary to—

- (a) an oral hearing; or
- (b) a determination which is to be made without an oral hearing.

Notice of hearing

28.—(1) The tribunal must give notice to the parties of the date, time and place of any hearing.

(2) Subject to paragraph (3), notice of the hearing must be given not less than 21 days before the appointed date.

(3) In exceptional circumstances the tribunal may, without the agreement of the parties, give less than 21 days' notice of the appointed date, time and place of the hearing; but any such notice must be given as soon as practicable before the appointed date and the notice must specify what the exceptional circumstances are.

(4) A single qualified member of the panel may exercise the power in paragraph (3).

Postponement of hearing

29.—(1) Subject to paragraph (3), the tribunal may postpone an oral hearing.

(2) The tribunal must give reasonable notice to the parties of the time and date to which a hearing is postponed.

(3) Where postponement has been requested by a party the tribunal must not postpone the hearing except where it considers it is reasonable to do so having regard to—

- (a) the grounds for the request;
- (b) the time at which the request is made; and
- (c) the convenience of the parties.

(4) A single qualified member of the panel may exercise the functions of the tribunal under this regulation.

Hearing

30.—(1) At a hearing—

- (a) the tribunal must (subject to these Regulations) determine the procedure and conduct;
- (b) any person appearing before the tribunal may do so either in person or through a representative;
- (c) the parties are entitled to—
 - (i) give relevant evidence;
 - (ii) call witnesses;
 - (iii) question any witness; and
 - (iv) address the tribunal on the evidence and on the law and generally on the subject matter of the application; and
- (d) the tribunal may receive evidence of any fact or any opinion which seems to it to be relevant, even if the evidence or opinion would be inadmissible in proceedings before a court of law, and must not refuse to admit any evidence or opinion presented in due time which is admissible at law and is relevant and necessary and has not been improperly obtained.

(2) At a hearing the tribunal may, if it is satisfied that it is just and reasonable to do so, permit a party to rely on reasons not previously stated and on evidence not previously available or not previously adduced.

(3) The tribunal may adjourn a hearing, but if this is done at the request of a party it must consider that it is reasonable to do so having regard to—

- (a) the grounds for the request;

- (b) the time at which the request is made; and
- (c) the convenience of the parties.

Hearing in public or private

31.—(1) A hearing must be in public except where the tribunal is satisfied that in the circumstances of the case, and subject to the overriding objective described in regulation 3 the hearing should be held in private.

- (2) The tribunal may decide under paragraph (1) that—
 - (a) part only of the hearing must be in private; or
 - (b) any of the following matters must not be made public—
 - (i) information about the proceedings before the tribunal;
 - (ii) the names and identifying characteristics of persons concerned in the proceedings; or
 - (iii) specified evidence given in the proceedings.

Persons entitled to be present at a hearing held in private

32.—(1) Subject to paragraphs (2) and (3), the following persons are entitled to attend a hearing held in private and to be present at the tribunal’s deliberations with respect to the determination of the application—

- (a) a president or chair or other panel member not forming part of the tribunal for the purpose of the hearing;
 - (b) a member of the Administrative Justice and Tribunals Council who is acting in that capacity;
 - (c) staff of the tribunal;
 - (d) any other person permitted by the tribunal, with the consent of the parties.
- (2) None of the persons specified in paragraph (1) may take any part in the hearing or such deliberations.
- (3) The tribunal may admit persons to a hearing held in private on such terms and conditions as it considers appropriate.

Failure of a party to appear at a hearing

- 33.** Where a party fails to appear at a hearing the tribunal may proceed with the hearing if—
- (a) it is satisfied that notice of the hearing has been given to that party in accordance with these Regulations; and
 - (b) it is not satisfied that there is a good reason for the failure to appear.

Decisions of a tribunal in determining applications

- 34.**—(1) This regulation applies to a decision determining an application.
- (2) If a hearing was held, the decision may be given orally at the hearing.
- (3) The tribunal must provide to each party, as soon as reasonably practicable after making a decision which finally disposes of an application, a notice stating the tribunal’s decision (“decision document”).
- (4) The decision document must—
- (a) be signed and dated by an appropriate person;

- (b) set out—
 - (i) the decision the tribunal has made;
 - (ii) the reasons for reaching the decision;
 - (iii) the date of the decision;
 - (iv) any action that any party to the proceedings must take and the date by which that action must be taken; and
- (c) give an explanation of the right of a party to appeal against the decision.

(5) An appropriate person may, by means of a certificate signed and dated by the appropriate person, correct any clerical mistakes in a decision document or any errors or ambiguities arising in it from an accidental slip or omission.

(6) A copy of any correction certified under paragraph (5) must be sent to each party.

(7) In this regulation “appropriate person” (*“person priodol”*) means—

- (a) the Chair of the tribunal; or
- (b) in the event of the absence or incapacity of the Chair of the tribunal, another member of the tribunal.

Determination of costs

35.—(1) The tribunal must not make a determination under paragraph 12 of Schedule 13 to the 2004 Act in respect of a party without first giving that party an opportunity of making representations to the tribunal.

(2) Where an application is determined by a single qualified member of the panel that member may make a costs determination in respect of a party to the proceedings on the application.

Withdrawal of application

36.—(1) Subject to paragraph (3), an applicant (“the withdrawing party”) (*“y parti sy'n tynnu'n ôl”*) may withdraw the whole or a part of the applicant’s application in accordance with paragraph (2)

- (a) at any time before a tribunal begins considering the evidence of the application (whether or not at any oral hearing); and
- (b) at any time after the tribunal begins considering the evidence of the application (whether or not at any oral hearing), provided that—
 - (i) the tribunal is satisfied that the other parties to the application consent to the application being withdrawn; and
 - (ii) the tribunal consents to the application being withdrawn.

(2) The withdrawing party must notify withdrawal of that application by a signed and dated notice supplied to the tribunal—

- (a) sufficiently identifying the application or part of the application which is withdrawn;
- (b) stating whether any part of the application, and if so what, remains to be determined; and
- (c) confirming that a copy of the notice of the withdrawal has been supplied to all other parties and stating the date on which this was done.

(3) If any of the circumstances in paragraph (4) exist, withdrawal of the application does not take effect until one of the courses of action in paragraph (6) has been carried out.

(4) The circumstances mentioned in paragraph (3) are that—

- (a) the tribunal has invited the parties to the proceedings—

- (i) to make representations to it as to whether any payment by way of compensation, damages, costs or reimbursement of fees should be repaid to any party; and
 - (ii) to respond to any representations the tribunal receives under paragraph (i);
- and having regard to any representations made to the tribunal by any party under this sub-paragraph, the tribunal has made such order as to payment by way of compensation, damages, costs or reimbursement of fees it reasonably considers should be paid, having regard to all the circumstances of the case;
- (b) an interim order in favour of a party has been made; or
 - (c) a party has given an undertaking to the tribunal.
- (5) When inviting representations from the parties under sub-paragraph (4)(a) the tribunal may direct the parties as to the time within which such representations must be provided.
- (6) The courses of action mentioned in paragraph (3) are that—
- (a) the withdrawing party has sent to the tribunal a written statement signed by all other parties setting out how any order made under paragraph (4)(a), any interim order made under paragraph (4)(b) or any undertaking given under paragraph (4)(c) which apply to the case are to be dealt with; or
 - (b) the withdrawing party has given notice of the intended withdrawal to all parties and—
 - (i) the withdrawing party has requested the tribunal to give directions as to the conditions on which the withdrawal may be made; and
 - (ii) the tribunal has given such directions.
- (7) In giving directions under paragraph (6)(b)(ii) the tribunal may impose such conditions as it considers appropriate.
- (8) A single qualified member of the panel may make an order under paragraph (4)(b), or give directions under paragraph (5) or (6)(b)(ii).

Enforcement

37. Any decision of the tribunal may, with the permission of the county court, be enforced in the same way as orders of such a court.

Permission to appeal

38.—(1) In this regulation “to appeal” (“*apelio*”) means to make an appeal from a decision of the tribunal to the Upper Tribunal (Lands Chamber) and “appellant” (“*apelydd*”) bears a corresponding meaning.

(2) Where a party makes a request to the tribunal for permission to appeal the request may be made—

- (a) orally at the hearing at which the decision is announced by the tribunal; or
- (b) subsequently in writing to the office of the tribunal.

(3) A request for permission to appeal must be made within 21 days of the date specified in the decision notice as the date the decision was given.

(4) Where a request for permission to appeal is made in writing it must be signed by the appellant or the appellant’s representative and must—

- (a) state the name and address of the appellant and of any representative of the appellant;
- (b) identify the decision and the tribunal to which the request for permission to appeal relates; and

- (c) state the grounds on which the appellant intends to rely in the appeal.
- (5) The tribunal must within the period of 14 days starting with the day the tribunal receives the request for permission to appeal—
 - (a) send a copy of that request to the other party to the application which is the subject of the request; and
 - (b) where the appellant withdraws the request for permission to appeal, inform the other party of that withdrawal.
- (6) As soon as reasonably practicable after making a decision on a request for permission to appeal the tribunal must send a notice, including reasons for the decision, to the appellant and to the other parties to the application which is the subject of the appeal.
- (7) A determination or interim order of a tribunal under regulation 12(3) is treated as a decision of the tribunal for the purposes of this regulation.
- (8) A decision under paragraph (6) must include a statement of any relevant statutory provision, rule or guidance relating to any further request to the Upper Tribunal (Lands Chamber) for permission to appeal and of the time and place for making the further request or for giving notice of appeal.

Assistance to participants

- 39.**—(1) In this regulation “participant” (“*cyfranogwr*”) means an applicant or a party or witness or other person taking part in proceedings relating to an application or to whom an order of the tribunal is addressed.
- (2) If a participant informs the tribunal that the participant is unable to read or speak or understand the English language or the Welsh language, the tribunal must make arrangements for the participant to be provided, free of charge, with the necessary translations and assistance of an interpreter to enable the participant’s effective participation in the proceedings.
 - (3) If a participant informs the tribunal that the participant is unable to read English or Welsh as a consequence of being temporarily or permanently blind or partially sighted, the tribunal must make arrangements for that participant to be provided, free of charge, with the necessary assistance (which may include, but is not limited to, the provision of documents in Braille or in large print, or a reader of the documents) to enable the participant’s effective participation in the proceedings.
 - (4) If a participant informs the tribunal that the participant is able to speak in English or Welsh, but is unable to read or write in English or Welsh, the tribunal must provide the participant with the services of a person to read and explain the nature and content of any documents, and to write any documents on behalf of the participant that the participant reasonably requires for the purpose of enabling the participant’s effective participation in the proceedings.
 - (5) The requirement for a tribunal to provide a participant with the services of a person to read, write or explain the nature and content of documents under paragraph (4) does not include a requirement for a tribunal to give any legal advice, but includes a requirement to explain the procedural steps in the proceedings.
 - (6) If a participant is without hearing or speech, the tribunal must make arrangements for that participant to be provided, free of charge, with the services of a sign language interpreter, lip speaker, or palantypist, to enable that participant’s effective participation in the proceedings.
 - (7) A participant is entitled to assistance under this regulation whether or not the participant is represented by someone else.
 - (8) A participant requiring assistance under this regulation, but not receiving it, must at the earliest opportunity notify the requirement for assistance to the tribunal.

(9) This regulation does not in any way restrict the overriding objective of a tribunal described in regulation 3.

Requirements for supply of notices and documents

40.—(1) Any document or notice required or authorised by these Regulations to be supplied to any person, body or authority is deemed to have been duly supplied to that person, body or authority—

- (a) if it is sent to the proper address of that person, body or authority by first class post or by special delivery or recorded delivery;
- (b) if it is delivered by any other means to the proper address of that person, body or authority;
- (c) if with the written consent of the person, body or authority, it is sent to that person, body or authority—
 - (i) by fax, email or other electronic communication which produces a text received in legible form; or
 - (ii) by a private document delivery service.

(2) The proper address for the purposes of paragraph (1) is—

- (a) in the case of the tribunal, the address of the office of the tribunal;
- (b) in the case of an incorporated company or other body registered in the United Kingdom, the address of the registered or principal office of the company or body;
- (c) in the case of any other person, body or authority, the usual or last known address of that person, body or authority.

(3) This paragraph applies where—

- (a) an intended recipient of a document or notice—
 - (i) cannot be found after all diligent enquiries have been made;
 - (ii) has died and has no personal representative; or
 - (iii) is out of the United Kingdom; or
- (b) for any other reason a notice or other document cannot readily be supplied in accordance with these Regulations.

(4) Where paragraph (3) applies, the tribunal may—

- (a) dispense with supplying the notice or other document; or
- (b) give directions for substituted service in such other form (whether by advertisement in a newspaper or otherwise) or manner as the tribunal thinks fit.

(5) Where it is required under the 2004 Act, the 1985 Act, the 1983 Act or these Regulations that a party must provide evidence that the party has supplied any person with a document, a party may satisfy the requirement by providing a certificate signed by the party confirming that the document was served in accordance with the requirements of this regulation.

Time

41.—(1) Where the time specified by these Regulations for doing any act expires on a Saturday or Sunday or public holiday, it is treated as expiring on the next following day which is not a Saturday or Sunday or public holiday.

(2) A public holiday means Christmas Day, Good Friday or day which under the Banking and Financial Dealings Act 1971(2) is a bank holiday.

(2) 1971 c. 80.

Frivolous and vexatious etc applications

42.—(1) Subject to paragraph (2), where it appears to the tribunal that an application is—

- (a) frivolous;
- (b) vexatious; or
- (c) an abuse of process,

the tribunal may dismiss the application in whole or in part.

(2) Before dismissing an application under paragraph (1) the tribunal must give notice of its intention to do so to the applicant in accordance with paragraph (3).

(3) Any notice under paragraph (2) must state—

- (a) that the tribunal is minded to dismiss the application;
- (b) the grounds on which it is minded to dismiss the application;
- (c) that the applicant is entitled to be heard by the tribunal on the question of whether the application should be dismissed, and
- (d) the latest date by which the applicant may request to be heard by the tribunal, being not less than 14 days after the date that the notice was sent.

(4) An application may not be dismissed under paragraph (1) unless—

- (a) the applicant makes no request to the tribunal before the date mentioned in paragraph (3) (c); or
- (b) where the applicant makes such a request, the tribunal has heard the applicant and the respondent, or such of them as attend the hearing, on the question of the dismissal of the application.

Irregularities

43. Any irregularity resulting from failure by a party to comply with any provision of these Regulations or of any direction of the tribunal before the tribunal has determined the application does not of itself render the proceedings void.

Signature of documents

44. Where these Regulations require a document to be signed, that requirement is satisfied—

- (a) if the signature is either written or produced by computer or other mechanical means; and
- (b) the name of the signatory appears beneath the signature in such a way that the signatory may be identified.