
STATUTORY INSTRUMENTS

2005 No. 1964

The Traffic Management (Northern Ireland) Order 2005

Adjudicators

Adjudicators

29.—(1) The First Minister and deputy First Minister acting jointly may appoint persons to act as adjudicators for the purposes of this Order.

(2) A person shall not be appointed as an adjudicator unless he is a barrister or solicitor of at least five years' standing.

(3) A person shall be appointed as an adjudicator for such term not exceeding five years as may be specified in his instrument of appointment.

(4) An adjudicator shall hold and vacate office under the terms of the instrument under which he is appointed.

(5) An adjudicator may resign office by notice in writing to the Office of the First Minister and deputy First Minister.

(6) An adjudicator may be removed from office by the First Minister and deputy First Minister acting jointly only on the ground of misbehaviour or inability to perform the functions of the office.

(7) An adjudicator is eligible for re-appointment if he ceases to hold office otherwise than under paragraph (6).

(8) Until the commencement of section 5(1) of the Justice (Northern Ireland) Act 2002 (c. 26), references in this Article to the First Minister and deputy First Minister acting jointly or to the Office of the First Minister and deputy First Minister shall be construed as references to the Lord Chancellor.

Proceedings before adjudicators

30.—(1) The Lord Chancellor may make regulations providing for the procedure to be followed in relation to proceedings before adjudicators.

(2) The regulations may, in particular, include provision—

- (a) as to the manner in which appeals to adjudicators are to be made or withdrawn;
- (b) authorising an appeal to an adjudicator to be disposed of on the basis of written representations unless the appellant requests an oral hearing;
- (c) as to the procedure to be followed before the hearing of an appeal by an adjudicator;
- (d) requiring any such hearing to be held in public except in circumstances specified in the regulations;
- (e) as to the persons entitled to appear and be heard on behalf of the parties;
- (f) requiring persons to attend to give evidence and to produce documents;
- (g) as to evidence at the hearing;
- (h) as to the adjournment of hearings;
- (i) for the award of costs in circumstances specified in the regulations;

- (j) for the settlement of costs by such method as may be specified in the regulations;
 - (k) authorising decisions of adjudicators to be reserved;
 - (l) authorising or requiring adjudicators—
 - (i) to revise or set aside decisions;
 - (ii) to revoke or vary orders made by them;
 - (m) requiring decisions of, and orders made by, adjudicators to be recorded;
 - (n) as to the proof of decisions of, and orders made by, adjudicators;
 - (o) authorising the correction of clerical errors in records kept in accordance with the requirements of the regulations;
 - (p) requiring service of—
 - (i) notice of decisions of adjudicators;
 - (ii) copies of any orders made by adjudicators;
 - (iii) notice of any corrections made by adjudicators in their decisions or orders.
- (3) Subject to any provision made by the regulations, an adjudicator may regulate his own procedure.
- (4) If a person who is required—
- (a) to attend a hearing held by an adjudicator; or
 - (b) to produce any document to an adjudicator in accordance with regulations under paragraph (1),

fails without reasonable excuse to do so, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Further provisions relating to adjudicators

- 31.**—(1) The Lord Chancellor shall—
- (a) make arrangements for the provision of accommodation and administrative staff and facilities for adjudicators;
 - (b) determine the places where adjudicators are to sit; and
 - (c) at least once in every twelve months publish information on the discharge by the adjudicators of their functions under this Order.
- (2) The Department shall defray the costs of the adjudication process (including the remuneration of the adjudicators).
- (3) An adjudicator shall provide the Lord Chancellor with such information on the discharge of his functions under this Order as the Lord Chancellor may determine.