
Status: Point in time view as at 01/10/2015. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Enterprise Act 2002, Paragraph 17. (See end of Document for details)

SCHEDULES

SCHEDULE 4

TRIBUNAL: PROCEDURE

PART 2

TRIBUNAL RULES

Conduct of the hearing

- 17 (1) Tribunal rules may make provision—
- (a) as to the manner in which proceedings are to be conducted, including provision for any hearing to be held in private if the Tribunal considers it appropriate because it is considering information of a kind mentioned in paragraph 1(2);
 - (b) as to the persons entitled to appear on behalf of the parties;
 - (c) for requiring persons to attend to give evidence and produce documents, and for authorising the administration of oaths to witnesses;
 - (d) as to the evidence which may be required or admitted and the extent to which it should be oral or written;
 - (e) allowing the Tribunal to fix time limits with respect to any aspect of proceedings and to extend any time limit (before or after its expiry);
 - (f) enabling the Tribunal, on the application of any party or on its own initiative, to order—
 - (i) the disclosure between, or the production by, the parties of documents or classes of documents; or
 - (ii) such recovery or inspection of documents as might be ordered by a sheriff;
 - (g) for the appointment of experts for the purposes of proceedings;
 - (h) for the award of costs or expenses, including allowances payable to persons in connection with attendance before the Tribunal;
 - ^{F1}(ha) allowing the Tribunal to order payments in respect of the representation of a party to proceedings under section 47A or 47B of the 1998 Act, where the representation by a legal representative was provided free of charge;
 - (i) for taxing or otherwise settling any costs or expenses awarded by the Tribunal or for the enforcement of any order awarding costs or expenses.
- (2) Rules under sub-paragraph (1)(h) may provide, in relation to a claim made under section 47A of the 1998 Act which is continued on behalf of ^{F2}a person] in proceedings under section 47B of that Act, for costs or expenses to be awarded to or against ^{F3}that person] in respect of proceedings on that claim which took place before it was included in the proceedings under section 47B of that Act.

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- [^{F4}(2A) Rules under sub-paragraph (1)(h) may provide for costs or expenses to be awarded to or against a person on whose behalf a claim is made or continued in proceedings under section 47B of the 1998 Act in respect of an application in the proceedings made by that person (where that application is not made by the representative in the proceedings on that person's behalf).]
- (3) Otherwise Tribunal rules may not provide for costs or expenses to be awarded to or against [^{F5}a person] on whose behalf a claim is made or continued in proceedings under section 47B of the 1998 Act.
- (4) Tribunal rules may make provision enabling the Tribunal to refer any matter arising in any proceedings (other than proceedings under section 47A or 47B of the 1998 Act) back to the authority that made the decision to which the proceedings relate, if it appears that the matter has not been adequately investigated.
- (5) A person who without reasonable excuse fails to comply with—
- (a) any requirement imposed by virtue of sub-paragraph (1)(c); or
 - (b) any requirement with respect to the disclosure, production, recovery or inspection of documents which is imposed by virtue of sub-paragraph (1)(f),
- is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Textual Amendments

- F1** Sch. 4 para. 17(1)(ha) inserted (3.8.2015 for specified purposes, 1.10.2015 in so far as not already in force) by [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), [Sch. 8 para. 32\(a\)](#); S.I. 2015/1584, art. 3(d); S.I. 2015/1630, art. 3(j)
- F2** Words in Sch. 4 para. 17(2) substituted (3.8.2015 for specified purposes, 1.10.2015 in so far as not already in force) by [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), [Sch. 8 para. 32\(b\)\(i\)](#); S.I. 2015/1584, art. 3(d); S.I. 2015/1630, art. 3(j)
- F3** Words in Sch. 4 para. 17(2) substituted (3.8.2015 for specified purposes, 1.10.2015 in so far as not already in force) by [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), [Sch. 8 para. 32\(b\)\(ii\)](#); S.I. 2015/1584, art. 3(d); S.I. 2015/1630, art. 3(j)
- F4** Sch. 4 para. 17(2A) inserted (3.8.2015 for specified purposes, 1.10.2015 in so far as not already in force) by [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), [Sch. 8 para. 32\(c\)](#); S.I. 2015/1584, art. 3(d); S.I. 2015/1630, art. 3(j)
- F5** Words in Sch. 4 para. 17(3) substituted (3.8.2015 for specified purposes, 1.10.2015 in so far as not already in force) by [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), [Sch. 8 para. 32\(d\)](#); S.I. 2015/1584, art. 3(d); S.I. 2015/1630, art. 3(j)

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