

## 1974 No. 67

## AGRICULTURE

**The Agricultural Land Tribunals (Amendment) Order 1974**

<i>Made - - - -</i>	14th January 1974
<i>Laid before Parliament</i>	25th January 1974
<i>Coming into Operation</i>	1st March 1974

The Lord Chancellor, in exercise of the powers conferred on him by section 73 of the Agriculture Act 1947(a), as amended(b), and after consultation with the Council on Tribunals in accordance with section 10 of the Tribunals and Inquiries Act 1971(c), hereby makes the following Order:—

1. This Order may be cited as the Agricultural Land Tribunals (Amendment) Order 1974 and shall come into operation on 1st March 1974.

2.—(1) In this Order a rule or form referred to by number means the rule or form so numbered in or in the appendix to the Agricultural Land Tribunals Rules 1959 which are set out in the Schedule to the Agricultural Land Tribunals and Notices to Quit Order 1959(d), as amended(e).

(2) The Interpretation Act 1889(f) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

3. In rule 19(4) after the word “notice” there shall be inserted the words “(substantially in accordance with Form 15)”.

4. For rule 24 there shall be substituted the following rule:—

*“Evidence*

24(1) The tribunal may admit evidence notwithstanding that it would not be admissible in a court of law.

(2) Evidence before the tribunal may be given—

- (a) orally, subject to any direction of the tribunal under rule 25(3), or
- (b) by affidavit, if the parties to the proceedings consent, or
- (c) by means of written statements produced by the maker when giving oral evidence or, if the tribunal consent, by another witness.

(3) At any stage of the proceedings the tribunal may, of its own motion or on the application of any party, order the personal attendance of the deponent or the maker of any written statement for examination and cross-examination.”

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(a) 1947 c. 48.

(b) By section 8(1) of and paragraph 3 of Schedule 1 to the Agriculture Act 1958 (c. 71).

(c) 1971 c.62.

(d) S.I. 1959/81(1959 I, p. 91).

(e) The relevant amending instruments are S.I. 1959/359, 1961/1755, 1972/1207 (1959 I, p. 118; 1961 III, p. 3402; 1972 II, p. 3582).

(f) 1889 c. 63.

5. The form contained in the Schedule to this Order shall be added after Form 14.

6. The Agricultural Land Tribunals (Transitional Provisions) Order 1968(a) is hereby revoked.

Dated 4th January 1974.

*Hailsham of St. Marylebone, C.*

## SCHEDULE

### Form 15

### AGRICULTURAL LAND TRIBUNAL

#### Notice of Hearing

Land at:

*Applicant/s:*

*Respondent/s:*

TAKE NOTICE that the HEARING of the APPLICATION in respect of the above named Holding will be held on \_\_\_\_\_ at \_\_\_\_\_ commencing at \_\_\_\_\_

Dated.....197...

Signed.....  
(Secretary of the Tribunal)

#### NOTE TO PARTIES

You may find of assistance the following note of rules of evidence and procedure, which apply to this hearing and which are contained in the Agricultural Land Tribunals Rules 1959.

##### 1. Rules of Evidence

(a) Any evidence may be admitted by the tribunal, including evidence that would not be admissible in a court of law.

(b) Evidence before the tribunal may be given—

- (i) orally, on oath or on affirmation or otherwise,
- (ii) by affidavit, if the parties to the proceedings consent, or
- (iii) by means of written statements produced by the maker when giving oral evidence or, if the tribunal consent, by another witness.

*If evidence is tendered in the form of a written statement, four copies of the statement should be available at the hearing for the tribunal and two copies for the other parties.*

(c) At any stage of the proceedings the tribunal may, of its own motion or on the application of any party, order the personal attendance of the maker of any written statement for examination and cross-examination.

(d) The secretary may require a party to give to the tribunal documents or other information, and to afford to all other parties an opportunity to inspect such documents, or copies of them, and to take copies of them.

*If the parties intend to produce documents at the hearing, they should if possible agree them beforehand, list them in order and put them into one agreed bundle. Four copies of this bundle should be available if possible for the use of the tribunal.*

(e) The tribunal may, after giving notice to all parties and to any other occupier of the land, enter and inspect any agricultural holding owned or occupied by any party, whether the holding is the subject of the proceedings or not, and may inspect any fixed equipment, produce or livestock thereon.

## 2. *Procedure at the Hearing*

(a) The tribunal sits in public unless exceptional circumstances make it desirable that the hearing, or some part of it, should be held in private.

(b) A party may appear and be heard in person or by counsel or solicitor or by a representative appointed in writing.

(c) The party making the application will begin and the other parties will be heard in such order as the tribunal may determine.

## 3. *Witnesses*

(a) Each party will be given an opportunity to call and cross-examine witnesses, and a party may if he wishes give evidence as a witness on his own behalf.

(b) The tribunal may call witnesses, who may after giving evidence be cross-examined by any party.

(c) The provisions of the County Court Rules 1936, as amended, as to the issue of witness summonses (Order 20, Rule 8) apply for the purposes of any proceedings before the tribunal. Under these Rules, a party desiring a person to be summoned as a witness must apply to the county court registrar by filling in the prescribed form in the county court office.

## 4. *Default of Appearance*

If a party fails to appear at the time fixed for the hearing, the tribunal may adjourn the hearing or—

- (i) dismiss the application where the party failing to appear is the applicant, or
- (ii) proceed in any other case to determine the application in the party's absence, if satisfied that the party failing to appear has been afforded an adequate opportunity of attending.

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## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order amends the Agricultural Land Tribunals Rules 1959 in order to permit Agricultural Land Tribunals to admit unsworn statements in evidence, and it prescribes the form to be used by the secretary of the tribunal when notifying the parties under Rule 19(4) of the hearing of an application.

The Agricultural Land Tribunals (Transitional Provisions) Order 1968 is revoked.

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