

SCHEDULE

Agricultural Land Tribunals Rules

PART 5

Additional powers and provisions

Power to regulate procedure etc.

33.—(1) Subject to the provisions of the 1947 Act, the 1954 Act, the 1986 Act, and the 1991 Act and of these Rules—

- (a) the Tribunal may regulate its own procedure;
- (b) the Chairman may regulate procedure at a case management meeting and any other meeting chaired by him alone.

(2) The Tribunal may exercise any power which these Rules give to the Chairman.

Power to strike out

34.—(1) On the application of any party, the Tribunal may order that all or part of the application, reply or any document supplied in the course of an application be struck out if it appears to the Tribunal that it—

- (a) discloses no reasonable grounds for making or defending the application; or
- (b) is an abuse of the Tribunal's process or is otherwise likely to obstruct the fair disposal of the proceedings.

(2) The Secretary must deliver to the parties copies of an application for an order under this rule, and inform the parties of their opportunity to reply within 28 days or such period as the Chairman considers appropriate explaining why such an order should or should not be made.

Exclusion of persons disrupting proceedings

35.—(1) This rule applies to any of the following events—

- (a) a hearing before the Tribunal;
- (b) an inspection by the Tribunal;
- (c) any meeting chaired by the Chairman alone;
- (d) an inspection conducted by an official expert.

(2) Without prejudice to any other powers it may have, the Chairman or Tribunal, as appropriate, may—

- (a) exclude from any event, or part of it, any person (including a party or a party's representative) whose conduct has disrupted the event, threatens to disrupt the event, or whose conduct has otherwise interfered with the administration of justice; or
- (b) limit the number of persons attending the event in the interests of disease prevention or for other good reason.

(3) In deciding whether to exercise the power conferred by paragraph (2), the Chairman or Tribunal as appropriate, must, apart from other considerations, have regard—

- (a) to the interests of the parties;

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (b) in the case of the exclusion of a party, to the extent to which the proceedings involve an assessment of the party's conduct, character or manner of life; and
 - (c) in the case of the exclusion of a party or a party's representative, to whether the interests of that party will be adequately protected.
- (4) If the Chairman or Tribunal decides to exclude a party it must allow the party's representative sufficient opportunity to consult the party.

Enquiries of local authorities etc

36. The Chairman or the Tribunal either before or during a hearing may direct that enquiries are made of any local or other public authority or utility within whose area the land in question is situated, and the Tribunal may adjourn the hearing until the response to such enquiries has been received and copies supplied to the parties.

Reference to the High Court of a question of law

37.—(1) A request under section 6(1) of the 1954 Act must, unless made at the hearing, be made in writing to the Secretary within 28 days of a certified copy of the decision being delivered to the person making the request.

(2) The request must state concisely—

- (a) the questions of law that the party making the request wishes the Tribunal to refer to the High Court; and
- (b) any issues of fact in respect of which that party contends the findings (in addition to those contained in any decision made by the Tribunal) should accompany the case stated.

(3) The Chairman may direct the party making the request to supply a draft of the case stated.

(4) If the Chairman considers that any question of law referred to in the request (or draft case stated) could be better framed or that it is desirable or expedient to add or substitute a similar or related question, he may invite the party making the request to amend the request (or draft) accordingly.

(5) If the Tribunal decides to refuse the request, the Secretary must notify all parties within 14 days of the receipt of the request giving reasons for such refusal or within such extended period as the Chairman may consider necessary.

(6) A person who intends to apply to the High Court under section 6(2) of the 1954 Act for an order directing the Tribunal to refer a question of law to the High Court—

- (a) must deliver notice of his intended application to the Secretary within 14 days of receiving notification of the refusal; and
- (b) must deliver copies of his notice to all other parties.

(7) A case stated for the decision of the High Court must—

- (a) set out the questions of law;
- (b) attach a copy of any decision document issued by the Tribunal in relation to the proceedings;
- (c) set out such findings of fact by the Tribunal additional to those contained in the decision document as the Chairman considers relevant to the question or questions of law;
- (d) be signed by the Chairman; and
- (e) be delivered to all parties within 2 months of the date of the request or, as the case may be, the making of an order by the High Court directing the reference.

Modification of Tribunal's decision following High Court proceedings

38.—(1) Following a decision of the High Court the Chairman may exercise the powers of the Tribunal under section 6(5) of the 1954 Act in any case if he considers that it is not necessary to convene the Tribunal for the purpose.

(2) In every other case he must direct the Secretary to fix a date, time and place for the Tribunal to convene.

(3) Where it is not possible or convenient to re-convene the Tribunal as originally constituted, the hearing must take place before a differently constituted Tribunal.

(4) These Rules apply to any proceedings which are consequent on the reference of any question to the High Court under section 6 of the 1954 Act or on the decision on such a reference.