SCHEDULE 1

Regulation 4

Procedure for Review by Oral Hearing

Prior to the hearing

1. Within 21 days of the period beginning with the service of the notice under section 298(2) of the Act, the tenant must send to the reviewer and the authority—

(a) a copy of any written evidence that the tenant will rely upon; and

(b) the name and address of any person the tenant intends to call to give evidence.

2. Where the authority—

(a) receives any information from the tenant under paragraph 1; and

(b) wishes to respond to that information

it must send its response (which should be limited to matters not already stated in the notice served under section 298(2) of the Act) to the reviewer and the tenant within 14 days of receipt of the information.

The hearing

3.—(1) Subject to the provisions of this Schedule, the reviewer shall determine the conduct of the oral hearing.

(2) The tenant may be accompanied or represented by another person (whether or not that person holds a relevant professional qualification).

(3) The reviewer must allow the authority and the tenant or the tenant's representative equal opportunity—

(a) to make representations;

(b) to call persons to give evidence; and

(c) to put questions to any person who gives evidence.

(4) Where any person providing behavioural support services to the tenant wishes to give evidence, the reviewer must allow—

(a) that person to give evidence; and

(b) the authority and the tenant or the tenant's representative to put questions to that person.

4. The authority and the tenant must be notified in writing of the decision of the reviewer within 7 days of the end of the hearing.

Absence of the tenant

5. Where notice of the hearing has been given to the tenant and the tenant or the tenant's representative does not attend the hearing, the reviewer may—

(a) proceed with the hearing; or

(b) give directions on the further conduct of the review.

6. Where the hearing proceeds in the absence of the tenant under paragraph 5(a), the reviewer may reach a decision and if the reviewer does so, paragraph 4 of this Schedule will apply.

7. Where the reviewer gives directions under paragraph 5(b), the reviewer must notify the tenant and the authority of the directions within 7 days of the end of the hearing.

Postponement of hearing

8. The tenant may request the reviewer to postpone a hearing and the reviewer may grant or refuse such a request.

9. Where the reviewer—

(a) grants a request for the postponement of a hearing under paragraph 8; or

(b) makes a direction under paragraph 5(b) postponing the hearing,

the reviewer must give the tenant and the authority reasonable notice of the date, time and place of the postponed hearing.

Adjournment of hearing

10. The reviewer may adjourn the hearing—

(a) at the request of the authority;

(b) at the request of the tenant or the tenant's representative; or

(c) otherwise as the reviewer sees fit.

11. Where more than one individual is carrying out the review by oral hearing, the hearing must be adjourned on each occasion on which any of those individuals is absent unless the authority and tenant agree otherwise.

12. The reviewer must give the authority and the tenant reasonable notice of the date, time and place of the adjourned hearing.

13. Where the reviewer of the adjourned hearing is not the same individual as the individual who heard the earlier hearing, the review must proceed as a complete rehearing unless the authority and tenant agree otherwise.

SCHEDULE 2

Regulation 5

Procedure for Review by Written Representations

Prior to the review

14. Within 21 days of the period beginning with the service of the notice under section 298(2) of the Act, the tenant must send to the reviewer and the authority any evidence to be taken into account by the reviewer.

15. Where the authority—

(a) receives any information from the tenant under paragraph 1; and

(b) wishes to respond to that information

it must send its response (which should be limited to matters not already stated in the notice served under section 298(2) of the Act) to the reviewer and the tenant within 14 days of receipt of the information.

The review

16. When reviewing the decision of the authority, the reviewer must take account of—

(a) the notice served under section 298(2) of the Act;

(b) any evidence submitted by the tenant and authority under paragraphs 1 and 2;

(c) any representations received from any person providing behavioural support to the tenant; and

(d) any other information the reviewer considers relevant.

17. The authority and the tenant must be notified in writing of the decision of the reviewer—

(a) where the tenant has not submitted evidence under paragraph 1, within 28 days of the period beginning with the service of the notice under section 298(2) of the Act;

(b) where the authority has submitted a response under paragraph 2, within 14 days of the submission of the response; or

(c) where the tenant has submitted evidence under paragraph 1 but the authority has not submitted a response under paragraph 2, within 28 days of the authority receiving the evidence submitted by the tenant.