

## **PS8 Model Procedure**

It is the aim of the Tribunal to keep proceedings as informal and flexible as possible, consistent with the proper consideration of the appeal and having regard to Reg. 3 of the Procedure Regulations. However, parties should familiarise themselves with the remote hearing protocols which are available on the Tribunal's website.

The Tribunal is not a court of record and as such the proceedings are not minuted or recorded, but a note is taken by the Clerk of the important issues in the case. The record of proceedings is produced in the form of a formal decision which is issued to the parties.

It is not permitted to use any electronic recording devices of any sort within the Tribunal hearing whilst the proceedings are in session.

It is not permitted for any party who wishes to engage and give evidence in a remote hearing to join the meeting from outside the United Kingdom, without first seeking permission. If a party is going to be abroad when a hearing is due to take place, they must contact the Tribunal office beforehand to establish if permission may be granted.

1. It is not the aim of this guidance to be prescriptive but rather to offer a flexible formula which can be followed and adapted as required by the circumstances of each case. However, any significant departure from the procedure should be noted on the case file by the Clerk outlining the reasons for the departure.
2. A Tribunal panel will be assisted by a professional Clerk who can advise on practice, procedure and substantive issues of law. (The role of the Clerk is explored in the next section of the Consolidated Practice Statement).
3. The setup of the hearing and the opening statements will be made by the Clerk before the hearing of the case(s) is handed over to the Chairman.
4. The Chairman directs the course of the hearing, making sure that the parties have adequate opportunity to put their relevant and admissible arguments to the panel. The Chairman may stop a presentation that has moved away from relevant matters and direct the party to concentrate on the issues in dispute in the case; this includes where a party has provided an estimated time to present their case and has overrun. Time management is an important part of the hearing process.
5. The Chairman will deal tactfully with repetitive or irrelevant argument by politely explaining to the party why it does not need to be heard, in line with the overriding objective of dealing with cases justly.
6. The panel can only consider the evidence submitted in accordance with the Tribunal's Directions when making a decision in a case unless additional evidence and/or argument has been allowed.

7. The strict rules of evidence do not apply to the Tribunal, and it is up to the panel to consider what is presented to them and give such weight to it as they consider appropriate.
8. Evidence is not given on oath and there is no power to administer one.
9. There is no power for the Tribunal to award costs.

### **The hearing**

10. The Clerk will make an opening statement which will include introducing the parties present and the panel members who are due to hear the appeal(s). The Clerk will also outline the nature of the appeal(s). They should outline the matters in dispute for the focus of the hearing and may summarise the matters and issues that have been agreed. The Clerk will also explain the procedure that the panel will follow, before handing over to the Chairman who will then manage proceedings.
11. The Chairman will reassure the parties that the panel has considered the evidence already submitted (if this is the case) and will be concentrating on the matters in dispute.
12. The appellant normally presents their case first followed by the respondent. However, this remains as a discretion of the Chairman at the hearing.
13. The panel cannot act as an advocate for any party but may assist an unrepresented appellant to formulate and clarify appropriate questions if this is considered appropriate.
14. Any party may call witnesses to support their case and those witnesses may be cross examined.
15. Once all the evidence has been heard from both parties each will be invited to make final submissions, with the appellant having the final word.
16. Questions may be asked by either party of the other and the panel and Clerk may also ask questions as appropriate.
17. Prior to retiring following the hearing of the appeal to consider their decision, the Clerk may raise, in open session, any matter of law that they feel the panel should be aware of together with any advice that is felt appropriate. The parties may comment on what the Clerk introduces.
18. The parties should remain available until released. The decision will be communicated in writing within one calendar month of the hearing.