

SCHEDULES

SCHEDULE 13

Section 230

RESIDENTIAL PROPERTY TRIBUNALS: PROCEDURE

Procedure regulations

- 1 (1) The appropriate national authority may make regulations about the procedure of residential property tribunals.
- (2) Nothing in the following provisions of this Schedule affects the generality of sub-paragraph (1).
- (3) In those provisions—
 - “procedure regulations” means regulations under this paragraph;
 - “tribunal” means a residential property tribunal.

Appeals

- 2 (1) Procedure regulations may include provision, in relation to applications to tribunals—
 - (a) about the form of such applications and the particulars to be contained in them,
 - (b) requiring the service of notices of such applications, and
 - (c) in the case of applications under section 102(4) or (7) or 133(1), requiring the service of copies of the draft orders submitted with the applications.
- (2) Procedure regulations may include provision, in relation to appeals to tribunals—
 - (a) about the form of notices of appeal and the particulars to be contained in them, and
 - (b) requiring the service of copies of such notices.
- (3) Procedure regulations may include provision dispensing with the service of the notices or copies mentioned in sub-paragraph (1)(b) or (2)(b) in such cases of urgency as are specified in the regulations.

Transfers

- 3 (1) This paragraph applies where, in any proceedings before a court, there falls for determination a question which a tribunal would have jurisdiction to determine on an application or appeal to the tribunal.
- (2) The court—
 - (a) may by order transfer to the tribunal so much of the proceedings as relate to the determination of that question, and

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- (b) may then dispose of all or any remaining proceedings, or adjourn the disposal of all or any remaining proceedings pending the determination of that question by the tribunal, as it thinks fit.
- (3) When the tribunal has determined the question, the court may give effect to the determination in an order of the court.
- (4) Rules of court may prescribe the procedure to be followed in a court in connection with or in consequence of a transfer under this paragraph.
- (5) Procedure regulations may prescribe the procedure to be followed in a tribunal consequent on a transfer under this paragraph.
- (6) Nothing in this Act affects any power of a court to make an order that could be made by a tribunal (such as an order quashing a licence granted or order made by a local housing authority) in a case where—
 - (a) the court has not made a transfer under this paragraph, and
 - (b) the order is made by the court in connection with disposing of any proceedings before it.

Parties etc.

- 4 (1) Procedure regulations may include provision enabling persons to be joined as parties to the proceedings.
- (2) Procedure regulations may include provision enabling persons who are not parties to proceedings before a tribunal to make oral or written representations to the tribunal.

Information

- 5 (1) Procedure regulations may include—
 - (a) provision relating to the supply of information and documents by a party to the proceedings, and
 - (b) in particular any provision authorised by the following provisions of this paragraph.
- (2) The regulations may include provision for requiring, or empowering the tribunal to require, a party to proceedings before a tribunal—
 - (a) to supply to the tribunal information or documents specified, or of a description specified, in the regulations or in an order made by the tribunal;
 - (b) to supply to any other party copies of any information or documents supplied to the tribunal;
 - (c) to supply any such information, documents or copies by such time as is specified in or determined in accordance with the regulations or order.
- (3) The regulations may also include provision—
 - (a) for granting a party to the proceedings such disclosure or inspection of documents, or such right to further information, as might be granted by a county court;
 - (b) for requiring persons to attend to give evidence and produce documents;
 - (c) for authorising the administration of oaths to witnesses.

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- (4) The regulations may include provision empowering a tribunal to dismiss, or allow, the whole or part of an appeal or application in a case where a party to the proceedings has failed to comply with—
- (a) a requirement imposed by regulations made by virtue of this paragraph, or
 - (b) an order of the tribunal made by virtue of any such regulations.

Pre-trial reviews etc.

- 6 (1) Procedure regulations may include provision for the holding of a pre-trial review (on the application of a party to the proceedings or on the tribunal's own initiative).
- (2) Procedure regulations may provide for functions of a tribunal in relation to, or at, a pre-trial review to be exercised by a single qualified member of the panel.
- (3) Procedure regulations may provide for other functions as to preliminary or incidental matters to be exercised by a single qualified member of the panel.
- (4) For the purposes of this paragraph—
- (a) a person is a qualified member of the panel if he was appointed to it by the Lord Chancellor; and
 - (b) “the panel” means the panel provided for in Schedule 10 to the Rent Act 1977 (c. 42).

Interim orders

- 7 Procedure regulations may include provision empowering tribunals to make orders, on an interim basis—
- (a) suspending, in whole or in part, the effect of any decision, notice, order or licence which is the subject matter of proceedings before them;
 - (b) granting any remedy which they would have had power to grant in their final decisions.

Additional relief

- 8 (1) Procedure regulations may include provision as to—
- (a) any additional relief which tribunals may grant in respect of proceedings before them; and
 - (b) the grounds on which such relief may be granted.
- (2) In this paragraph “additional relief” means relief additional to any relief specifically authorised by any provision of Parts 1 to 4 of this Act.

Dismissal

- 9 Procedure regulations may include provision empowering tribunals to dismiss applications, appeals or transferred proceedings, in whole or in part, on the ground that they are—
- (a) frivolous or vexatious, or
 - (b) otherwise an abuse of process.

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Determination without hearing

- 10 (1) Procedure regulations may include provision for the determination of applications, appeals or transferred proceedings without an oral hearing.
- (2) Procedure regulations may include provision enabling a single qualified member of the panel to decide whether an oral hearing is appropriate in a particular case.
- (3) Procedure regulations may provide for a single qualified member of the panel to make determinations without an oral hearing.
- (4) For the purposes of this paragraph—
- (a) a person is a qualified member of the panel if he was appointed to it by the Lord Chancellor; and
 - (b) “the panel” means the panel provided for in Schedule 10 to the Rent Act 1977 (c. 42).

Fees

- 11 (1) Procedure regulations may include provision requiring the payment of fees in respect of applications, appeals or transfers of proceedings to, or oral hearings by, tribunals.
- (2) The fees payable shall be such as are specified in or determined in accordance with procedure regulations.
- (3) But the fee (or, where fees are payable in respect of both an application, appeal or transfer and an oral hearing, the aggregate of the fees) payable by a person in respect of any proceedings must not exceed—
- (a) £500, or
 - (b) such other amount as may be specified in procedure regulations.
- (4) Procedure regulations may empower a tribunal to require a party to proceedings before it to reimburse another party to the proceedings the whole or any part of any fees paid by him.
- (5) Procedure regulations may provide for the reduction or waiver of fees by reference to the financial resources of the party by whom they are to be paid or met.
- (6) If they do so they may apply, subject to such modifications as may be specified in the regulations, any other statutory means-testing regime as it has effect from time to time.

Costs

- 12 (1) A tribunal may determine that a party to proceedings before it is to pay the costs incurred by another party in connection with the proceedings in any circumstances falling within sub-paragraph (2).
- (2) The circumstances are where—
- (a) he has failed to comply with an order made by the tribunal;
 - (b) in accordance with regulations made by virtue of paragraph 5(4), the tribunal dismisses, or allows, the whole or part of an application or appeal by reason of his failure to comply with a requirement imposed by regulations made by virtue of paragraph 5;

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- (c) in accordance with regulations made by virtue of paragraph 9, the tribunal dismisses the whole or part of an application or appeal made by him to the tribunal; or
 - (d) he has, in the opinion of the tribunal, acted frivolously, vexatiously, abusively, disruptively or otherwise unreasonably in connection with the proceedings.
- (3) The amount which a party to proceedings may be ordered to pay in the proceedings by a determination under this paragraph must not exceed—
- (a) £500, or
 - (b) such other amount as may be specified in procedure regulations.
- (4) A person may not be required to pay costs incurred by another person in connection with proceedings before a tribunal, except—
- (a) by a determination under this paragraph, or
 - (b) in accordance with provision made by any enactment other than this paragraph.

Enforcement

- 13 Procedure regulations may provide for decisions of tribunals to be enforceable, with the permission of a county court, in the same way as orders of such a court.