

Chapter I

Model Rules Concerning the Conduct of Appeals

Part V

Decisions of the Tribunal without a Hearing

Power to decide the appeal without a hearing

19.—(1) Where, at the end of the period within which the Authority is required to send its reply—

- (a) the Authority has not done so; or
- (b) neither the appellant nor the Authority has requested an oral hearing,

and the Chairman does not consider that a hearing is necessary, the tribunal may decide the appeal without a hearing.

(2) Subject to paragraph (3) and rules 7 and 16, where the tribunal may decide the appeal under this rule, it must do so as soon as practicable after the end of the period mentioned in paragraph (1).

(3) Before deciding the appeal the tribunal must consider—

- (a) the notice of the appeal and the appellant's additional material;
- (b) any reply sent by the Authority;
- (c) any representations or comments received under rule 16,

and may if it thinks fit direct the appellant or the Authority to provide in writing further information about any matter relevant to the appeal.

(4) A direction under paragraph (3) must include a statement of the time allowed for complying with it, and where the appellant or the Authority has not complied with such a direction within the time allowed, the tribunal may—

- (a) decide the appeal on the basis of the material available; or
- (b) apply to the county court for an order requiring a party to comply with the tribunal's direction.

(5) Where the tribunal delays its decision so that it can consider information provided under paragraph (3) or representations received under rule 16, it must send to the appellant and the Authority a notice giving the reasons for the delay, and stating when it expects to decide the appeal.