

SCHEDULE 7

Article 15(5)

TRIBUNAL

Constitution of tribunal

1.—(1) A tribunal shall consist of a Chairman and two other members.

(2) The Chairman shall be appointed by the Secretary of State and shall not be an Officer of the Crown or a person associated with the milk trade or a member or officer of any local authority.

(3) One member shall be a person appointed by the Secretary of State, as being representative of the milk distributive trade.

(4) One member shall be a person appointed by the Secretary of State, as being representative of the consumers' interest.

2.—(1) The Chairman shall hold office for three years unless his appointment is terminated by the Secretary of State before expiry of that period, and shall be eligible for reappointment.

(2) The Chairman may resign office by notice in writing to the Secretary of State.

(3) If the Chairman is prevented by sickness or any other reason from acting on any reference to the tribunal, the Secretary of State may appoint an independent person to act as chairman on that reference.

Procedure

3. Where in accordance with this Order any issue as to the revocation or suspension of a licence or refusal of grant of a licence by way of renewal of such licence is required to be referred to a tribunal by the Secretary of State, he shall forthwith inform the Chairman of the tribunal of the reference to the tribunal and of the name and address of the appellant. He shall send to the Chairman and to the members of the tribunal copies of the notice of decision to refuse, suspend or revoke the licence, as the case may be, and of any representations made by the appellant.

4. The Chairman, on being informed of the reference to the tribunal, shall without delay fix a convenient date and place for the hearing of the reference.

5.—(1) The retailer shall have the right to be heard by the tribunal by himself or by counsel, or solicitor, or other representative as he may elect.

(2) The local authority may be represented by any person instructed in that behalf.

6.—(1) At the hearing of the reference the tribunal shall give an opportunity to the retailer, or to his representative, to address the tribunal and call witnesses. The representative of the local authority may cross-examine the retailer, if he elects to give evidence, and any witnesses called by him.

(2) The tribunal shall give the representative of the local authority an opportunity to address the tribunal and to call witnesses. The retailer, or his representative, may cross-examine any witnesses called by the local authority.

7. The tribunal may visit and inspect any premises to which the reference relates.

8. In respect of any reference, the tribunal shall report to the Secretary of State their findings on any question of fact appearing to them to be relevant, and in particular, where the issue is as to revocation or suspension on the ground of a breach of condition not being one by virtue of which the holder of the licence has been convicted of an offence under section 8 of the Milk (Special Designations) Act 1949, shall find and report whether the breach was in fact committed.

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9. The tribunal may take notice of the circumstances existing at the date of the hearing where there has been any change of circumstances since the date of the notice issued by the local authority.

10. The tribunal may adjourn the hearing if for any reason it appears to them necessary or desirable so to do.

11. In the event of a difference of opinion amongst the members of the tribunal, the decision of the majority of them shall become the finding of the tribunal.

12. The report of the tribunal shall be submitted in writing to the Secretary of State by the Chairman without delay and shall include the reasons for the finding.

13. The hearing shall be open to the public.

14. Subject to the provisions of this Schedule, the tribunal shall have power to regulate their own procedure.