
STATUTORY INSTRUMENTS

1997 No. 798

The Reserve Forces Appeal Tribunals Rules 1997

PART V

ADDITIONAL POWERS OF, AND COMPOSITION OF, THE TRIBUNAL

Power to transfer cases

29.—(1) The Tribunal may transfer any proceedings before it to another Tribunal if it considers that by reason of the location of the parties or witnesses, the subject matter of the appeal, the availability of the Tribunal or some other sufficient reason the proceedings may be more conveniently determined by that other Tribunal.

(2) Any Tribunal to which proceedings are transferred under this rule shall have jurisdiction to hear and determine the same as if the proceedings were properly commenced in it in accordance with these Rules.

(3) For the purposes of rule 28 above, an appeal which is transferred from a Tribunal sitting in one part of the United Kingdom to a Tribunal sitting in another part of the United Kingdom shall be treated as if all the proceedings had taken place in the Tribunal which finally determined the appeal.

Miscellaneous powers of Tribunal

30.—(1) Subject to the provisions of the Act and these Rules, a Tribunal may regulate its own procedure.

(2) A Tribunal may, if it thinks fit—

- (a) extend the time appointed by or under these Rules for bringing an appeal or doing any act, notwithstanding that the time appointed may have expired;
- (b) if the appellant at any time gives notice of the withdrawal of his appeal, dismiss the proceedings;
- (c) if the parties agree in writing on the terms of a determination to be made by the Tribunal, decide accordingly (and in making any such determination, it shall not be necessary for the Tribunal to give reasons);
- (d) subject to the proviso below, at any stage of the proceedings order to be struck out or amended any notice of appeal, reply, supplementary statement or written representation on the grounds that it is scandalous, frivolous or vexatious;
- (e) subject to the proviso below, order to be struck out any appeal for want of prosecution:

Provided that before making any order under sub-paragraph (d) or (e), the Tribunal shall send notice to the party against whom it is proposed that any such order should be made giving him an opportunity to show cause why such an order should not be made.

Irregularities

31.—(1) Any irregularity resulting from failure to comply with any provision of these Rules or of any direction or order of the Tribunal before the Tribunal has reached its determination shall not of itself render the proceedings void.

(2) Where any such irregularity comes to the attention of the Tribunal, the Tribunal may, and shall if it considers that any person may have been prejudiced by the irregularity, give such directions to cure or waive the irregularity as it thinks just before reaching its determination.

(3) Clerical mistakes in any document recording a direction, order or determination of the Chairman or Tribunal, or errors arising in such a document from an accidental slip or omission, may be corrected by the Chairman by certificate under his hand.

Power of Chairman to exercise powers of Tribunal

32.—(1) Any act required or authorised by these Rules to be performed by the Tribunal other than a determination or the making of an order disposing of the appeal following a review under rule 27 above may be done by the Chairman or any member of the panel of chairmen:

Provided that where an order is made by a chairman under rule 30, paragraph (2)(d) or (2)(e), it shall not have effect unless it is confirmed by the Tribunal or in writing by its other members who shall not be required to meet for this purpose.

(2) In the event of the death or incapacity of the Chairman following the determination of the Tribunal in any matter, the functions of the Chairman for the completion of the proceedings, including any review of the determination, may be exercised by any member of the panel of chairmen.