1993 No. 76

REGISTERED HOMES

The Registered Homes Tribunals Rules (Northern Ireland) 1993

Made . . . . . *24th February 1993*
Coming into operation . . *1st April 1993*

ARRANGEMENT OF RULES

1. Citation, commencement and interpretation
2. Address for service
3. Appointment of tribunal
4. Notice of hearing etc.
5. Representation
6. Proceedings in public
7. Adjournment of hearing
8. Procedure at hearing
9. Evidence
10. Decisions
11. Withdrawal of appeal
12. Multiple appeals
13. Extension of time limits
14. General

SCHEDULE

Notification of hearing of appeal

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 33 of the Registered Homes (Northern Ireland) Order 1992(**a**), and of all other powers enabling it in that behalf, hereby makes the following rules:

Citation, commencement and interpretation

1.—(1) These rules may be cited as the Registered Homes Tribunals Rules (Northern Ireland) 1993 and shall come into operation on 1st April 1993.

(**a**) S.I. 1992/3204 (N.I. 20)

(2) In these rules—

"the Order" means the Registered Homes (Northern Ireland) Order 1992;

"registration authority" means the Board as defined in Article 2(2) of the Order;

"tribunal" means a Registered Homes Tribunal constituted under Part V of the Order.

Address for service

2.—(1) An appellant shall state in the notice of appeal which he is required under the Order to give to a registration authority an address at which any notice, order or other document may be served upon him.

(2) The registration authority shall on receipt of the notice of appeal send it to the Department within seven days.

Appointment of tribunal

3.—(1) The Department shall on receipt of the notice of appeal—

(*a*) request the Lord Chancellor to appoint the chairman; and

(*b*) appoint the members of the tribunal.

(2) The Department shall appoint a person to act as secretary of the tribunal for the purposes of the appeal.

Notice of hearing etc.

4.—(1) The chairman of the tribunal shall—

(*a*) so far as practicable within twenty-eight days of his appointment, fix a date, time and place for the hearing of the appeal;

(*b*) not less than forty-two days before the date so fixed—

(i) serve upon the appellant notice in the form set out in the Schedule, and

(ii) send a copy of the notice to the registration authority.

(2) Where the appeal is against a decision of the registration authority, the authority shall not less than thirty days before the date fixed for the hearing of the appeal—

(*a*) send to the secretary of the tribunal four copies of a statement of the reasons for the decision; and

(*b*) serve a copy of the statement upon the appellant.

(3) Where the appeal is against an order made by a justice of the peace under Article 10 or, as the case may be, 23 of the Order, the registration authority shall not less than thirty days before the date fixed for the hearing send to the secretary of the tribunal four copies of the statement which supported the authority's application for the order.

(4) The appellant shall not less than twenty-one days before the date fixed for the hearing send—

(*a*) to the secretary of the tribunal, four copies of a statement, signed by or on behalf of the appellant, of the grounds of the appeal; and

(*b*) to the registration authority, a copy of the statement.

Representation

5.—(1) The appellant may appear before the tribunal in person or he may be represented by counsel or a solicitor or by any other person authorised by him to act on his behalf.

(2) The registration authority may be represented before the tribunal by an officer or servant of the authority or by counsel or a solicitor.

Proceedings in public

6. The tribunal shall sit in public unless for any reason the tribunal determines that the hearing or any part of it shall be in private.

Adjournment of hearing

7.—(1) The tribunal may at any time, whether before or after the beginning of the hearing, adjourn the hearing and when so doing may either fix the date, time and place at which the hearing is to be resumed or leave the date, time and place to be determined later by the tribunal but the tribunal shall not be resumed at that date, time or place unless the tribunal is satisfied that the appellant and the registration authority have been given at least fourteen days notice thereof.

(2) If either the appellant or the registration authority fails to appear or be represented by one of the persons referred to in rule 5 at the time fixed for the hearing of the appeal, the tribunal may take such action whether by proceeding with or adjourning the hearing or otherwise as may appear to the tribunal to be just and expedient.

Procedure at hearing

8.—(1) The appellant and the registration authority shall have the right to address the tribunal, to give evidence and to call witnesses and to examine or cross-examine any person giving evidence before the tribunal.

(2) The chairman of the tribunal may require the attendance of further witnesses in addition to those called by or on behalf of the appellant and the registration authority.

(3) The chairman of the tribunal may permit evidence to be given by affidavit but may at any stage of the proceedings require the personal attendance of any deponent for examination and cross-examination.

Evidence

9.—(1) The provisions of sections 13 and 14 of the Arbitration Act (Northern Ireland) 1937(**a**) (administration of oaths, summoning of witnesses etc.) shall apply to proceedings before the tribunal, and the chairman of the tribunal shall have the same powers under those provisions as if he were an arbitrator or a party to a reference under an arbitration agreement.

(**a**) 1937 c. 8 (N.I.)