1978 No. 259

LANDLORD AND TENANT

The Rent Assessment Committees Regulations (Northern Ireland) 1978

Made . . . . . *6th September* 1978

Coming into operation . . . *1st October* 1978

The Department of the Environment for Northern Ireland in exercise of the powers conferred on it by Article 74(1)(*c*) of the Rent (Northern Ireland) Order 1978(a) and of all other powers enabling it in that behalf hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Rent Assessment Committees Regulations (Northern Ireland) 1978 and shall come into operation on 1st October 1978.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires:—

"chairman" means the chairman of a committee;

"committee" means a rent assessment committee, constituted under Schedule 5 to the Order to which a reference is made;

"hearing" means the meeting of a committee to hear oral representations made in relation to an application;

"the Order" means the Rent (Northern Ireland) Order 1978;

"party" means the landlord or the tenant.

(2) For the purpose of any of these regulations relating to procedure at a hearing, any reference to a party shall be construed as including a reference to a person authorised by a party to make oral representations on his behalf pursuant to paragraph 3, of Schedule 6, to the Order.

Hearings

3.—(1) A hearing by a committee shall be in public unless, for special reasons, the committee decide otherwise.

(2) Such hearing shall be on such date and at such time and place as the committee shall appoint.

(3) Notices of such date, time and place shall be given by the committee, not less than 10 days before the said date to the landlord and to the tenant.

4. At the hearing—

(*a*) the parties shall be heard in such order, and, subject to the provisions of these regulations, the procedure shall be such as the committee shall determine;

(*b*) a party may call witnesses, give evidence on his own behalf and cross-examine any witness called by the other party.

(a) S.I. 1978/1050 (N.I. 20)

Documents, etc.

5.—(1) The committee shall, where the application is to be subject to a hearing, take all reasonable steps to ensure that there is supplied to each of the parties before the date of the hearing—

(*a*) a copy of, or sufficient extracts from or particulars of, any document relevant to the application which has been received from a party (other than a document which is in the possession of such party); and

(*b*) a copy of any document which embodies the results of any enquiries made by or for the committee for the purposes of the application, or which contains relevant information in relation to rents previously determined for other dwelling-houses and which has been prepared for the committee for the purposes of the application.

(2) Where at any hearing—

(i) any document relevant to the application is not in the possession of a party present at that hearing, and

(ii) that party has not been supplied with a copy, or sufficient extracts from or particulars of, that document by the committee in accordance with the provisions of paragraph (1)

then unless—

(*a*) that party consents to the continuation of the hearing; or

(*b*) the committee consider that that party has a sufficient opportunity of dealing with that document without an adjournment of the hearing, the committee shall adjourn the hearing for a period which they consider will afford that party a sufficient opportunity of dealing with that document.

6. Where an application is not to be subject to a hearing, the committee shall supply to each of the parties a copy of, or sufficient extracts from or particulars of, any such document as is mentioned in paragraph (1)(*a*) of regulation 5 (other than a document excepted from that paragraph) and a copy of any such document as is mentioned in paragraph (1)(*b*) of that regulation, and the committee shall not reach their decision until they are satisfied that each party has been given a sufficient opportunity of commenting upon any document of which a copy, or from which extracts or of which particulars, has or have been so supplied, and upon the other's case.

Inspection of dwelling-house

7.—(1) The committee may of their own motion, and shall at the request of one of the parties (subject in either case to any necessary consent being obtained) inspect the dwelling-house which is the subject of the application.

(2) An inspection may be made before, during or after the close of the hearing, or at such stage in relation to the consideration of the representations in writing, as the committee shall decide, and the committee shall give to the parties and their representatives an opportunity to attend.

(3) Notice of an inspection shall be given as though it were notice of a hearing, save that the requirements for such notice may be dispensed with or relaxed in so far as the committee are satisfied that the parties have received sufficient notice.

(4) Where an inspection is made after the close of a hearing, the committee shall, if they consider that it is expedient to do so on account of any matter arising from the inspection, reopen the hearing; and if the hearing is to be reopened paragraph (3) of regulation 3 shall apply as it applied to the original hearing, save in so far as its requirements may be dispensed with or relaxed with the consent of the parties.