



Guidance: Hearings

This guidance document is also available in Welsh. Please contact the tribunal for a Welsh version of this document.

You may find of assistance, the following note of rules of evidence and procedure which apply to this hearing. These are contained in the Agricultural Land Tribunals (Rules) Order 2007. SI 2007/3105.

Hearing Bundle

- (a) The applicant must compile a hearing bundle containing copies of all relevant documents.
- (b) The respondent must assist with the preparation of the hearing bundle. The contents must be agreed, indexed and paginated.
- (c) The applicant must deliver four copies of the bundle to the Secretary and one copy to each of the parties not less than 7 working days before the start of the hearing.

Witness Statements

- (a) Any party who wishes to rely on the evidence of any witness must deliver a statement of that witness to the Secretary and must deliver copies to every party at least 10 days before the date of the hearing.
- (b) The witness statement must state at the end "I believe that the facts stated in this witness statement are true" and be signed by the witness.

Attendance:

- (a) When you receive a Notice of Hearing you must inform the Tribunal Secretary whether or not you intend to be present or represented at the hearing, and whether you intend to call witnesses including details of any special requirements.
- (b) It is in your interests to attend the hearing so that the Tribunal hears all your representations and evidence on all disputed matters. You should seek your own advice as to whether or not you should attend or be represented at the hearing.

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- (c) If you do not intend to be present or represented at the hearing, you are entitled to deliver to the Secretary and the other parties additional written representations or evidence in support of your case. Before deciding to dispose of any application or question in the absence of a party, the Tribunal will consider the application and any reply, as appropriate, and any written representation or evidence supplied.
- (d) If a party fails to attend or be represented at a hearing, the Tribunal may, if it is satisfied that the party was duly notified of the hearing and there is no good reason for such absence -
 - (i) hear and decide the application or question in the party's absence; or
 - (ii) adjourn the hearing;and may give such direction as it thinks fit.
- (e) Where an applicant has failed to attend or be represented at a hearing of which he or she was duly notified, and the Tribunal has disposed of the application, no fresh application may be made by the applicant to the Tribunal for relief arising out of the same facts without prior permission of the Tribunal.

Procedure at the Hearing:

At the beginning of any hearing the Chairman will explain the manner and order of proceedings, having regard to any applicable burden and standard of proof and rules of evidence.

- (a) Subject to this rule, the Tribunal may conduct the hearing in the manner it considers most suitable to the clarification of the issues before it and generally to the just handling of the proceedings; it must, so far as appears to it to be appropriate, seek to avoid formality and inflexibility in its proceedings.
- (b) The parties may appear at the hearing and may be represented.
- (c) The parties may give evidence, call witnesses, question witnesses and address the Tribunal both on the evidence and generally on the subject matter of the application.
- (d) The Tribunal may at any stage of the proceedings direct the personal attendance of any maker of a witness statement or affidavit, or any expert whose report has been filed.
- (e) The Tribunal may receive evidence of any fact which seems to the Tribunal to be relevant even if the evidence would be inadmissible before a court of law, but subject to the rules as to expert evidence the Tribunal must not refuse to admit any evidence presented in due time which is admissible in law and is relevant and necessary and has not been improperly obtained..
- (f) Every Tribunal decision will be issued in writing and unless the decision is by consent will contain a statement of reasons.

Expert Witnesses:

- (a) No expert may give oral evidence unless he or she has provided a written report which has been previously delivered to all parties or the Chairman otherwise directs.
- (b) Every expert must attend the hearing for cross-examination unless the Chairman directs otherwise.

Advocate experts:

If you are considering whether to instruct an expert witness to act also as your advocate, you should ask him/her or a legal adviser to explain to you the advantages and disadvantages of this, including as to the different knowledge, skills and duties required, and as to what extent he/she could then be considered an independent expert.

Language Preference

The ALT welcomes receiving correspondence in Welsh or English. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding. The Tribunal also welcomes phone calls in Welsh or English.

You may submit forms, documents and make written representations to the ALT in Welsh or English.