



Guidance: Protocol for Inspections of Land by the Tribunal

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

1. The Tribunal may, ¹and usually will, visit and inspect land owned and occupied by any party or relevant to proceedings before it (whether or not that land is the subject of the application) to inspect the buildings, land, and any livestock, equipment and produce there, provided that not less than 24 hours' notice in writing (or 7 days' in drainage cases) has been given by the Tribunal Secretary to all parties (and to any other occupier of the holding) or orally at the hearing.
2. The parties and/or their representatives and expert witnesses (and any other occupier of the holding) may be present at the inspection unless the Chairman or the Tribunal directs otherwise.
3. The purpose of inspecting a holding is to enable the members of the Tribunal to see for themselves matters 'on the ground' which are or may be relevant to the issues which the Tribunal has to decide. While it is useful for the parties to point out relevant features during the inspection, it is not an occasion for the taking of oral evidence or for the hearing of submissions. The Chairman should remind the parties, their representatives and experts of this. Where parties wish to rely on any matter raised during an inspection, formal evidence of that matter must be given at the resumed hearing. It is essential that the Tribunal should not be put in the position (even inadvertently) of deciding a matter on evidence which one or other party has not had the opportunity of dealing with.
4. An inspection is part of the hearing and, as such, the procedure to be followed on an inspection is a matter for the Chairman or the Tribunal to decide. It is essential that the procedure should be, and should be seen to be, fair. In general therefore:
 - (1) If a Tribunal member considers a feature observed by him/her or a matter raised by or with him/her during the inspection is or may be significant, he/she should ensure that it is drawn to the attention of the other members of the Tribunal and to the attention of the parties or their representatives (or where appropriate, their expert witnesses).

¹ Agricultural Land Tribunals (Rules) Order 2007, Rule 25, and Land Drainage Act, Section 31

Guidance-ALT05 Protocol for Inspections

- (2) Any questions to the parties or witnesses should be put through the Chairman, whose decision it is as to what should be asked at that stage and what should be left until the resumed hearing.
 - (3) Questions should be asked only in the presence of all parties and/or their representatives (and, where appropriate, then expert witnesses).
5. It is perfectly proper for members of the Tribunal to discuss what they see between themselves in the course of the visit, but it is not appropriate for the members of the Tribunal to make comments or questions which might indicate or be perceived by the parties as indicating a concluded view about the case or any live issue.
6. It is permissible for members to make notes of what they have seen and any comments or queries they may have for the purpose of discussion between themselves in private after the visit.
7. Should anything untoward occur in the course of a visit (for example, a party or a witness making some potentially prejudicial assertion to a single member of the Tribunal), then the matter should be reported to the Chairman for him/her to decide how it should be dealt with, whether then or at the resumed hearing.
8. **Bio security:**
 - (a) Anyone attending the site visit must ensure that their cars and boots (and any overalls or the like) are clean and free from any organic matter from their own or other farms.
 - (b) The Tribunal Secretary will bring a brush, bowl and disinfectant, and Tribunal members and all visitors will be asked to use these to disinfect their footwear.
 - (c) If the farm has its own bio security measures (such as a farm gate vehicle or boot wash), Tribunal members and other visitors should make sure they comply with them.

9. **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.