

**A Guide to
the
Parochial
Appeals
Tribunal**

- **Have you had a Warning Notice from one of the Island’s Douzaines stating that you have failed to cut a roadside hedge?**
- **Have you had a Warning Notice from one of the Island’s Douzaines stating that you have failed to clear up the debris created when your roadside hedge was cut?**
- **Have you been served with a Civil Penalty from one of the Island’s Douzaines for failing to cut a roadside hedge?**
- **Have you been served with a Civil Penalty from one of the Island’s Douzaines for failing to clear up the debris created when your roadside hedge was cut?**
- **Have you had a Warning Notice from one of the Island’s Douzaines stating that you have failed to clear a controlled stream on your property?**
- **Have you been served with a Civil Penalty from one of the Island’s Douzaines for failing to clear a controlled stream on your property?**
- **Have you been served with a Notice by the Public Services Department, acting as the Central Streams Committee, to instruct a States employee or another contractor to go onto the property and carry out the required work, and to recover the costs of the work from you?**
- **Have you applied for a Bornement and had the application refused by the Douzaine of the parish in which the property is located?**

This guide aims to answer the questions you may have about how to appeal any of the above situations.

The guide should be read in conjunction with the relevant laws, and in particular:

The Cutting of Hedges Ordinance, 1953

Loi relative aux Douits, 1936

L’Ordonnance ayant rapport à la Construction de Maisons, Salles Publiques et Bâtiments, et au Tracement de Routes et Chemins, 1931

The Parochial Administration Ordinance, 2013

Copies of the legislations can be obtained from the Parochial Appeals Tribunal’s website – www.gov.gg/pat

This Guide represents the Law and the Parochial Appeals Tribunal procedures as at 1st September 2015 and the legislation may be subject to further amendment.

Introduction

The Parochial Appeals Tribunal (the Tribunal) is an independent appeal body established from 1st September 2015, under the Parochial Administration Ordinance, 2013 (the 2013 Ordinance) to determine appeals against decisions made by the various Parochial Douzaines in respect of the cutting of roadside hedges, clearing of controlled streams and applications for Bornements.

The Tribunal has its own Secretariat and the Tribunal's Secretary is independent of the various Parochial Douzaines and the Departments and Committees of the States of Guernsey.

The Tribunal aims to provide an appeals process which is accessible and affordable and offers a fair and transparent determination of the appeal.

The purpose of the appeals process is to allow an independent Tribunal to review a decision by a Parochial Douzaine to issue a formal Warning Notice or Civil Penalty Notice in relation to the cutting of hedges and the clearing up of any debris afterwards, and, the clearing of controlled streams or a Notice giving you notice of an intention to instruct the Public Services Department to clear a stream on your land and to recover the costs of the work from you. The Tribunal will also consider appeals against a decision of a Parochial Douzaine to refuse an application for a Bornement.

All appeals are determined on the basis of a "merits review" of the Parish's decision. A merits review involves a full reconsideration of the facts of the decision which is the subject of the appeal. The Tribunal will undertake a review of all relevant material and this may include a site visit, if appropriate.

The Tribunal has the power to confirm or quash a Warning Notice or Civil Penalty Notice in whole or in part or to require the Parish to reconsider the matter in accordance with such directions as appear appropriate to the Tribunal. In respect of appeals against a decision to refuse an application for a Bornement, the Tribunal may confirm, quash or direct the Parish to reconsider the application in accordance with its directions.

Structure of the Guide

The guide outlines:

- What decisions can be appealed
- Who can make an appeal
- When an appeal can be made

- How the appeal process works
- What happens at the appeal hearing
- Who makes the final decision
- How appeal decisions are made

This guide aims to give an insight into the appeals process by providing the answers to the questions that you are most likely to have about the process.

In addition to reading the guide, you are strongly encouraged to read relevant legislation including, the Cutting of Hedges Ordinance, 1953, the Loi relative aux Douits, 1936, L'Ordonnance ayant rapport à la Construction de Maisons, Salles Publiques et Bâtiments, et au Tracement de Routes et Chemins, 1931 and the Parochial Administration Ordinance, 2013. The legislation can be found at www.guernseylegalresources.gg.

In addition, guidance and advice notes published by the various Parochial Douzaines which may be relevant.

This Guide represents the Law and procedures as at 1st September 2015

The Parochial Appeals Tribunal

Who are the Parochial Appeals Tribunal?

The Parochial Appeals Tribunal (the Tribunal) is made up of a President and Vice President, and 15 other members who are appointed by the Royal Court. The President and Vice President must either be an Advocate or have held judicial office in Guernsey. The other members must be or have been a Parochial Constable or Douzenier.

The current members are:

Advocate P Harwood, President	Mr Andrew Sauvarin
Advocate P Atkinson, Vice-President	Mr Frank Brouard
Mrs Christine Goodlass	Mr David Gorvel
Mr Peter Burtenshaw	Mr Richard Heaume, MBE
Mr David Hugo	Advocate Russell Clark
Mr David Ozanne	Mr Graham Smale
Mr Michael Fooks	Mr Godfray Guilbert
Advocate Mark Dunster	Mr Richard Best
Mr Timothy Langlois	

Categories of Appeals to the Parochial Appeals Tribunal

What parochial decisions can be appealed?

The following parochial decisions can be appealed to the Tribunal:

- The issuing of a Warning Notice for failing to cut a roadside hedge
- The issuing of a Warning Notice for failing to clear up the debris created when your roadside hedge was cut
- The issuing of a Civil Penalty Notice for failing to cut a roadside hedge
- The issuing of a Civil Penalty Notice for failing to clear up the debris created when your roadside hedge was cut
- The issuing of a Warning Notice for failing to clear a controlled stream on your property
- The issuing of a Civil Penalty Notice for failing to clear a controlled stream on your property
- The issuing of a Notice by the Public Services Department, acting as the Central Streams Committee, to instruct a States employee or another contractor to go onto the property and carry out the required work, and to recover the costs of the work from you
- The refusal to grant an application for a Bornement.

Making an Appeal

Who can appeal?

In general terms the person named in the Warning Notice or Civil Penalty Notice can appeal the decision to issue either Notice.

Where the Notice relates to the cutting of a roadside hedge or a failure to clear up the debris after cutting, the Notice will have been issued to the person occupying the property. However, where the property is unoccupied, the Notice will be served on the owner of the property.

How long does somebody have to make their appeal?

The appeal periods are as set out below:

Refusal of a bornement - 28 days commencing with the date of the letter advising of the decision in respect of an application for a bornement made under Article 36 or 37 of L'Ordonnance ayant rapport à la Construction de Maisons, Salles Publiques et Bâtiments, et au Tracement de Routes et Chemins, 1931;

Warning Notices for failure to cut a roadside hedge, clear up the resultant debris from the public highway, or clear a watercourse - 7 days commencing with the date of any Warning Notices issued under section 1A(1) of the Cutting of Hedges Ordinance, 1953 and section 8 of the Loi relative aux Douits, 1936;

Civil Penalties for failure to cut a roadside hedge, clear up the resultant debris from the public highway, or clear a watercourse - 14 days commencing with the date of any Civil Penalty issued under section 1A(4) of the Cutting of Hedges Ordinance, 1953 and section 8 of the Loi relative aux Douits, 1936;

Notices advising intention to carry out work on an uncleared watercourse - 7 days commencing with the date of issue under section 9 of the Loi relative aux Douits, 1936.

How is an appeal made?

All appeals must be in writing using the appropriate form. The forms are available:

- From the various Parochial Douzaine Rooms and Constables' Offices
- From the States website (www.gov.gg/pat)
- From Sir Charles Frossard House
- On request by telephoning (01481 717000) or emailing (pat@gov.gg) the Tribunal's Secretary.

In completing the form you should clearly explain the reasons why you are appealing the decision to issue a Warning Notice or Civil Penalty Notice or to refuse an application for a Bornement from the date of the decision letter and include any documents and evidence in support of your application.

What is meant by “grounds of appeal relied on” in the appeal?

The grounds of appeal set out in the Parochial Administration Ordinance, 2013 for appealing a decision by a Parochial Douzaine to issue a Warning Notice or Civil Penalty Notice in respect of the cutting of roadside hedges and clearing up of debris afterwards and the clearing of streams, or, to refuse an application for a Bornement are:

- (a) the decision was ultra vires or there was some other error of law
- (b) the decision was unreasonable
- (c) the decision was made in bad faith
- (d) there was a lack of proportionality or
- (e) there was a material error as to the facts or procedure.

When preparing your grounds of appeal, you should set out the reasons why you do not agree with the Parish’s decision or how they have interpreted the relevant legislation or any other reasons why you believe the decision is wrong, unfair or unreasonable.

What other information can I include with my appeal?

You may include any other information you wish to support your appeal. This may include copies of agreements with a third party to e.g. clear a stream on your land or cut your hedges, etc.

If your appeal is against a decision to refuse an application for a Bornement, you should also include a copy of the Environment Department’s decision granting planning and/or the building control permission to carry out the work.

Can I include photographs?

Yes. However, all photographs must be clearly labelled. This is to assist the Tribunal members (who may be unfamiliar with your property) to understand where they were taken and what they are showing. Similarly, you should also indicate when any photograph was taken. A labelled map of the area may also assist.

How many copies must I provide?

You should provide two copies of any supporting material.

Where must the appeal form be sent?

The appeal form and supporting papers must be sent to the President of the Parochial Appeals Tribunal and must arrive before the appeal period ends.

How much does it cost to appeal?

There is an administrative charge of £25 for any individual appeal made to the Parochial Appeals Tribunal.

How and when is the fee paid?

The appeal fee should be included with your appeal form and supporting documents. Cheques should be made payable to the States of Guernsey.

What happens if the fee isn't paid?

The Tribunal is not required to take any further action in relation to the appeal until the whole amount of the fee has been paid.

If I appeal against a Civil Penalty Notice, do I have to pay it before the appeal is heard?

By lodging an appeal against a Civil Penalty Order, any daily continuing penalty of £5 is stopped from the date your appeal is received by the President.

If I pay the Civil Penalty and later win my appeal, do I get my money back?

Yes. If the penalty, or part of the penalty, has been paid, the Parish should automatically refund the payment.

What happens when an appeal is received by the Tribunal?

The Secretary will write to acknowledge receipt of your appeal. If you are being represented by a third party this letter will be sent to your representative. This letter is generally sent within five working days of you submitting your appeal.

How much choice do I have about the date for my appeal to be heard?

The procedure for setting the date rests with the Tribunal. The Tribunal will take note of dates when you or the Parochial officials are unable to attend. It is important that you let the Secretary know any dates when you are unable to attend as the Secretary will already be looking at possible dates for the appeal to be heard.

When setting the date for the appeal hearing, the Tribunal's policy is not to offer multiple alternative dates. This is why it is very important that you let the Secretary know of any dates you know you will be unable to attend, e.g. because you are off-Island on holiday.

As a general rule, once a date for an appeal hearing has been set it will only be changed in exceptional circumstances. In such circumstances the Tribunal may require evidence to support the reason for requesting a change of hearing date.

How does the Parish respond to the appeal?

The Secretary will also forward a copy of the appeal papers you have submitted to the Parish that issued the Notice or decision that is subject of the appeal and request them to prepare a written response for the Tribunal. The Secretary will send a copy of the response to you.

The Parish's response is generally prepared within two to three weeks of the appeal being registered. The written response will include copies of their inspection notes, any photographs they have taken and the extract of the minutes of any Douzaine Meetings where the matter may have been discussed.

How long does the appeal process take?

It is difficult to give an exact timescale but as a general rule, the Tribunal endeavours to hear appeals within 21 days of the appeal being submitted.

How can I find out more about the appeal process?

Tribunal hearings are held in public and you are welcome to attend one to gain an insight into how the Parish and other appellants present their cases, the type of questions that may be asked and the role witnesses can play.

How can I find out about forthcoming Tribunal hearings?

Forthcoming Tribunals are advertised at least seven days ahead of the date of the hearing in the foyer of the Royal Court and in the main reception area at Sir Charles Frossard House. Details of forthcoming hearings are also published on the Tribunal's website (www.gov.gg/pat).

The Appeal Hearing

Who will determine the appeal?

The appeal will be heard by either the President or Vice President and two other members of the Tribunal. As the Tribunal members are either serving or past Douzeniers and Constables, they will not be selected to hear appeals where the decision was made by the Douzaine on which they serve or have served.

In addition, a Tribunal member will not be appointed if he or she believes they may have a conflict of interest. Reasons why a member may have to, or choose to, exclude him or herself are many. They may include being a personal friend of or related to you, having some other close connection with you or the property which is the subject of the appeal or having previously acted in a professional capacity for you. In such cases, he or she will not sit to comply with the provisions of the legislation and to ensure that the process remains fair and unbiased and so maintain confidence in the appeals process.

What happens if I know one of the members appointed to hear my appeal?

Once the Tribunal has been selected, you and the Parish that has issued the Notice or decision that is the subject of the appeal will be notified in writing. Both you and the Parish can raise an objection to a particular member sitting. Any objection must be made in writing and give reasons why you believe the member should not sit.

The Tribunal President will ask the member concerned to respond to the grounds for the objection and will then decide whether or not a new member should be appointed to avoid any perception of bias or conflict of interest. The Tribunal President will write to you and the member concerned giving his decision and reasons and, if a different member has been appointed, that member's name.

What papers will the Tribunal Members have when considering an appeal?

In all cases, an appeal bundle will be prepared by the Secretary and a copy is sent to the Tribunal members, you and the Parish approximately two to three weeks before a public hearing. The appeal bundle will include your appeal papers, the Parish's written response to your appeal, and any other material the Tribunal members may have requested.

How will the appeal be determined?

The appeal will be determined by the Tribunal sitting in public and hearing evidence from the Parish and you.

Do I need to use an advocate or can I represent myself?

No, you are not required or expected to be represented by an Advocate. The appeals procedure has been designed to enable appellants to present their own case if they choose to do so. You may also ask a friend or family member to assist you.

Do I have to attend the appeal?

Yes, as if you are not present, the Tribunal will only have the documents that you and the Parish have sent in. You will not be able to challenge anything the Parish may say when answering questions from the Tribunal.

I can't attend the appeal, can somebody else represent me?

Yes, but you should contact the Secretary in advance to say who will be representing you.

Who will represent the Parish?

In general the Parish's case is presented by the Constable or Douzenier who was involved in the inspections which have resulted in the decision to issue a Warning Notice or Civil Penalty Notice.

How will the Tribunal gather its evidence?

How the Tribunal gathers its evidence will vary from case to case, depending on the facts of the case. However, the general approach will be broadly similar in most cases.

In all cases the appeal bundle will be key to the Tribunal's evidence gathering. The Tribunal members will read the appeal bundle thoroughly before the hearing and prepare a number of questions they have identified as needing to be answered for them to understand the facts and the Parish's reasons for issuing a Warning Notice or Civil Penalty Notice or for refusing an application for a Bornement.

What will happen at the Hearing?

At the hearing you will have the chance to explain why you believe that your appeal should be allowed and why you believe the Parish's reasons for issuing a Warning Notice or Civil Penalty Notice or for refusing an application for a Bornement are wrong.

The Tribunal members will ask the questions they have prepared following their reading of the case and any others that may arise during the course of the hearing. It will also be an opportunity for the Parish to explain its reasons and for you to ask questions of the Parish and vice versa.

What will be the format for the Hearing?

Here again it is likely to vary from case to case depending on the number and complexity of the issues involved. However, most hearings will follow a broadly similar approach. The President or Vice President will chair the hearing and will manage the order in which matters are dealt with and what evidence is heard.

Are the hearings similar to Court proceedings?

The Tribunal process is less formal than may be the case in a court setting and the President will ensure that appellants are made as comfortable as possible. The approach is formal in that the parties are not referred to by first names and any requests are made through the Tribunal's President or Vice President.

The hearings are conducted in accordance with the rules of evidence which would apply in any court. This means that anything said or done before the Tribunal which, if said or done before the Royal Court, would be regarded as a contempt of court, is an offence under the legislation. Similarly, any person who obstructs or stops the Tribunal or a Tribunal member from deciding an appeal is also guilty of an offence.

In general, those giving evidence to the Tribunal do not take any oath before giving their evidence although the Tribunal has a power to require evidence to be given on oath.

Will the Tribunal visit the appeal site?

It is likely that the Tribunal will make a site visit as part of the appeal process.

What is the purpose of the site visit?

The site visit is to assist the Tribunal members in understanding the issues raised during the appeal in situ.

When is the site visit made?

As a general rule, the site visits are held immediately after the public hearing has finished.

Who can attend the site visit?

You (including anybody who represented or assisted you at the hearing), the Parochial officials attending the hearing and the Tribunal members may attend the site visit. The media and any third parties (e.g. neighbours) who may have attended the public hearing cannot generally attend the site visit.

What happens at the site visit?

The site visit is an opportunity for the Members to understand points raised during the hearing. As a general rule, no additional evidence will be taken during the site visit. Members may ask you or the Parochial officials to clarify certain aspects of the evidence during the visit.

How long does the site visit take?

The site visits are generally fairly short and should generally last no more than 30 minutes.

The Appeal Decision

How is the decision whether or not to allow an appeal made?

After the public hearing and any site visit, the Tribunal members will meet in private to confer and reach a decision on whether or not to allow your appeal.

What decisions can a Tribunal make?

The Tribunal may:

- *Confirm the appealed decision* - i.e. where the Tribunal decides that the Warning Notice or Civil Penalty Notice was correctly and lawfully issued and so should be confirmed., or in the case of the refusal to grant a Bornement confirm that no Bornement should be granted; where a Civil Penalty Notice is involved, you will be liable for the full amount of the penalty, i.e. the £50 initial penalty and the ongoing daily penalties of £5 which may have been imposed prior to you submitting your appeal to the Tribunal President.

- *Quash the appeal decision, in whole or in part, and remit the matter to the Parish with such directions as appear appropriate to the Tribunal* – i.e. the Tribunal decides that the Warning Notice should not have been issued at all or some part of the Notice was incorrect or unlawful; where the Tribunal quashes a Warning Notice in part, it may re-issue the Notice with such amendments as it believes appropriate; where the Tribunal decides that a Civil Penalty Notice should be quashed you will no longer be liable for the amount of the penalty; where a Civil Penalty Notice is quashed in part, the Tribunal may direct that the amount of the penalty should be reduced; e.g. the Tribunal may decide that the £50 initial penalty is payable but the ongoing daily £5 penalties should be waived in total or in part.

- Require the Parish to reconsider the matter in accordance with such directions as appear appropriate to the Tribunal – i.e. the Tribunal decides that the Parish should revisit and review their decision in light of e.g. evidence that has been heard during the appeal hearing or from their review of the appeal papers; in such circumstances, the Parish will reconsider its original decision in light of the Tribunal’s directions and, if it considers appropriate, it may issue a new Warning Notice or Civil Penalty Notice or issue a revised decision in respect of an application for a Bornement.
- Direct the payment of compensation – this will only apply where an appeal against a Notice issued under s.9 of the Loi relative aux Douits Law, 1936, has been allowed and the work has been undertaken, and the Tribunal believes that that the payment of some compensation to the appellant is appropriate and proportionate in the circumstances.

How is the Tribunal’s decision issued?

All appeal decisions are written decisions and include the Tribunal’s reasons.

When is the Tribunal’s decision issued?

The Decision Notice is generally issued within two to three weeks of the hearing. If the issue of the Decision Notice is delayed for any reason the Secretary will advise you and the Parish and give a revised time scale.

Is the decision made public?

Yes. All Decision Notices are made public.

Where is the decision published?

The Decision Notices are displayed in the main reception of Sir Charles Frossard House and are published on the States website (www.gov.gg/pat).

Further Appeals

Can decisions of the Tribunal be appealed?

Any party (i.e. the appellant or the Parish) who is dissatisfied with the Tribunal’s judgment as being erroneous in law may request the Tribunal to state a case for submission to the Royal Court.

The time limit for making such an appeal is twenty one days from the date of issue of the Tribunal’s written decision.

In addition, if the Tribunal considers that a point of law has arisen in the course of considering an appeal, it has a power to refer that point to the Royal Court before deciding the appeal.

Further Information

For further information please contact:

The Secretary
Parochial Appeals Tribunal
Sir Charles Frossard House
La Charroterie
St. Peter Port
GUERNSEY GY1 1FH

Telephone: 01481 717000

Email: pat@gov.gg

Website: www.gov.gg/pat

APPENDIX 1

Parochial Appeals Tribunal Rules of Procedure

A. Procedure in relation to making an appeal

1. Any person served with:

- a refusal of the competent authority to permit the erection or re-erection of a building under Article 36 or 37 of L'Ordonnance ayant rapport à la Construction de Maisons, Salles Publiques et Bâtiments, et au Tracement de Routes et Chemins, 1931;
- a warning notice under section 1A(1) of the Cutting of Hedges Ordinance, 1953;
- a civil penalty under section 1A(4) of the Cutting of Hedges Ordinance, 1953;
- a warning notice under section 8 of the Loi relative aux Douits, 1936;
- a civil penalty under section 8 of the Loi relative aux Douits, 1936;
- a notice under section 9 of the Loi relative aux Douits, 1936; and
- a demand for payment for work executed under section 9 of the Loi relative aux Douits, 1936

may appeal the decision.

2. The appeal periods are as set out below:

Refusal of a bornement - 28 days commencing with the date of the letter advising of the decision in respect of an application for a bornement made under Article 36 or 37 of L'Ordonnance ayant rapport à la Construction de Maisons, Salles Publiques et Bâtiments, et au Tracement de Routes et Chemins, 1931;

Warning Notices for failure to cut a roadside hedge or clear a watercourse - 7 days commencing with the date of any Warning Notices issued under section 1A(1) of the Cutting of Hedges Ordinance, 1953 and section 8 of the Loi relative aux Duoits, 1936;

Civil Penalties for failure to cut a roadside hedge or clear a watercourse - 14 days commencing with the date of any Civil penalty issued under section 1A(4) of the Cutting of Hedges Ordinance, 1953 and section 8 of the Loi relative aux Duoits, 1936;

Notices advising of intention to carry out work on an uncleared watercourse - 7 days commencing with the date of any notice issued under section 9 of the Loi relative aux Douits, 1936.

3. Appeals shall be made by service of a notice of appeal in the attached form on the President of the Tribunal ("the president") at the address below:

President
Parochial Appeals Tribunal
Sir Charles Frossard House
La Charroterie
St. Peter Port

B. Appeal Fees

4. An appeal fee of £25 must be paid when the notice of appeal is submitted. Cheques should be made payable to the “States of Guernsey”.
5. The president shall not accept an appeal as being validly made until the completed notice of appeal and fee have been received. Both must be received within the appeal period set out at paragraph 2 above.

C. Refusal by Tribunal to hear appeals

6. The president may decline to determine an appeal –
 - (a) if he considers that the notice of appeal has not, in any respect, been duly made and served, or
 - (b) if the appeal appears to him to be frivolous or vexatious,

and he shall notify the parties in writing of such a decision as soon as practicable thereafter; provided that, where he considers that the notice of appeal has not been duly made, he shall invite the appellant to rectify any error in that notice and to resubmit it, if the appellant wishes to pursue the appeal.

D. Procedure by the Tribunal on receipt of an appeal

7. On receipt of an appeal, the president shall review the notice of appeal and, if satisfied that the appeal has been properly made, shall send a copy of the notice of appeal to the body or person that issued the decision ("the respondent").
8. The president shall request the respondent to prepare a written response to the appeal and include the date by which the written response must be submitted, which shall be at least 28 days from the date of the request.
9. On receipt of the written response from the respondent, the president shall send a copy to the appellant. If no such response is received within the time specified, the president may, at his discretion, treat the respondent as having conceded the appeal, or may take such other action as he thinks appropriate in all the circumstances of the case.
10. The president shall then set a date for the appeal to be heard and advise the parties of the date in writing. In making these arrangements, he shall have regard to the availability of the parties.
11. If the president considers that he has a direct or indirect pecuniary or other personal interest in the decision, or if he is unavailable, then subparagraphs (3) and (4) of paragraph 3 of Schedule 1 to the Parochial Administration Ordinance, 2013 (a copy of which Schedule is attached to these Rules) apply to the performance of the functions at paragraphs 5 to 9 above as they apply to his functions under that Ordinance.

E. Procedure in relation to the determination of an appeal by the Tribunal

12. In addition to (and to be construed consistently with) the provisions of Schedule 1 to the Parochial Administration Ordinance, 2013:

- (a) the Tribunal may permit any interested party to appear at an appeal hearing,
- (b) the Tribunal may admit any evidence given for the purposes of the determination of the appeal notwithstanding any rule of law relating to hearsay or otherwise as to the admissibility of evidence,
- (c) a party may be represented at a hearing by any person, whether or not legally qualified, except that if in a particular case, the Tribunal is satisfied that there are good and sufficient reasons for doing so, it may refuse to permit a particular person, other than one who is legally qualified, to represent the party,
- (d) the Tribunal shall afford the parties a reasonable opportunity of replying to representations made by another party, either by appearing and being heard in person or (if the original representations were made in writing) by written representations,
- (e) the Tribunal shall have regard to all representations and replies submitted to it by the parties,
- (f) the Tribunal may at any time require any party to furnish further particulars in writing within such time as it may direct with regard to any question referred to it and shall afford any other party a reasonable opportunity of replying in writing,
- (g) the Tribunal may call for such documents and examine such persons on oath, affirmation or otherwise as appear likely to afford evidence which is relevant and material to any question to be determined by the Tribunal,
- (h) the Tribunal may adjourn any hearing from time to time as it thinks fit,
- (i) if it is proved to the satisfaction of the Tribunal that the parties have been notified of the place, date and time of a hearing and a party fails to appear at the hearing, the Tribunal may proceed to determine any matter in dispute in the absence of that party, and
- (k) the Tribunal may make such orders as to costs (including security for costs) as it thinks fit in all the circumstances of the case.