**FIRST TIER TRIBUNAL (RESIDENTIAL PROPERTY)**

 **SOUTHERN REGION**

**STATEMENT OF TRIBUNAL RULES AND PROCEDURE**

**THIS STATEMENT MUST BE ADHERED TO BY PARTIES TO APPLICATIONS**

1. **Contact with the Tribunal**
	1. All contact with the Tribunal should be by email at rpsouthern@justice.gov.uk. Applications, documents, and requests for information should be sent as **attachments to an e-mail.**
	2. If you are unable to access the internet or have no computer, please write to the Tribunal at First-tier Tribunal (Residential Property), Havant Justice Centre, Elmleigh Road, Havant, PO9 2AL or phone between the hours of 10.00am to 1 pm on Telephone: 01243 779394.
2. **Legal Advice**
	1. The Tribunal is not able to give legal advice about your case. Details of bodies who may be able to help are set out in the attached advice list.
3. **Application to Commence Proceedings**
	1. All applications should be made on the prescribed form which can be found on<https://www.gov.uk/courts-tribunals/first-tier-tribunal-property-chamber>**.**
	2. The forms can be downloaded and completed in Word. Please attach the completed form to an email addressed to rpsouthern@justice.gov.uk. Please send the **Word version** not a PDF.
	3. **Please note that you are required to send the Application including any supporting documents to the other party.**
	4. **Unless there is good reason applications will only be accepted if they are sent electronically.**
	5. **All attachments to the Application should be in Word Format or PDF. If the copy of the lease is not in Word or PDF, a copy should be obtained from the Land Registry for which a fee will be charged.**
4. **Directions of the Tribunal**
	1. Directions are **formal Orders** made to assist the parties and the Tribunal in dealing with the application swiftly and economically.
	2. They must be **complied with**. Failure to comply may result in the Tribunal refusing to hear the defaulting party’s case and ordering that party to pay costs.
	3. If a party wants to alter the directions or propose new ones the parties **can agree the** **change provided it does not affect the date for delivery of hearing bundles and the date fixed for hearing.** The parties must **inform the Tribunal** of their agreement by means of a letter attached to an email and shall not submit a case management application.
	4. If the parties **do not agree to the change to directions** or the proposed change to directions affects the date for receipt of hearing bundles or the hearing date the applying party must make a case management application **using the prescribed form** <https://www.gov.uk/government/publications/ask-the-first-tier-tribunal-property-chamber-for-case-management-or-other-interim-orders> The Tribunal will not consider an application to vary directions unless it is on a prescribed case management application form AND made **no later than 2 working days** before the date of the event in question (i) unless exceptional circumstances apply AND (ii) an application has been served on the other side by email.
	5. If a party wishes to seek the **sanctions** of the Tribunal for alleged breach of directions it must do so on the prescribed case management application form (see link in 4.4 above) which must be served on the other party.
	6. Any application made for sanctions, unless marked as urgent and containing reasons for the urgency, must be served on the other party at least 3 days in advance of the application to the Tribunal, in order that the other party has an opportunity to provide a response ahead of the application being considered by a Judge. The party applying must provide to the Tribunal with any response received when submitting the application. If no response is received that must be stated in the application.
5. **Correspondence with and Applications to the Tribunal**
	1. The Tribunal cannot respond to general correspondence and cannot make directions/orders **without an application on the prescribed case management application form**.
	2. There cannot be private communication with a Tribunal Judge or a Member about a case.
	3. The Tribunal will not accept applications and correspondence by e-mail unless it is as an attachment to an e-mail sent to the generic email address rpsouthern@justice.gov.uk
	4. All correspondence sent to the Tribunal must be copied to all other parties. If it is not copied to the other party, the Tribunal will not consider it.
	5. **Any application must be made on the prescribed case management application form**. The Tribunal will not accept emails in place of the prescribed form.
	6. Where the parties are exchanging documents or correspondence between themselves, they are entitled to send them by email provided no party objects. The Tribunal should **not** be copied in to this email correspondence unless required to do so by the Tribunal.
6. **Service of Documents by the Tribunal**
	1. The Tribunal will send documents to the parties and any other correspondence to the parties by email. If no email address is provided for a Respondent, the Tribunal will ask the Applicant to serve the Respondent and provide proof of service.
	2. The Tribunal and each party will assume **the email address given in the Application form remains the address to which documents should be sent** until notification by email is given to the contrary
	3. The parties are obliged to inform the Tribunal of **(1) changes of email addresses and (2)** **if they discover that the email address previously given is incorrect.**
7. **Decisions on the Papers**
	1. The parties are entitled to request for the application to be dealt with on the papers without a hearing. Equally the Tribunal may decide to determine the application on the papers.
	2. The parties can refuse to consent to a determination on the papers by making an objection in writing within the period of time specified in the directions (usually 28 days but can be shorter).
	3. The Tribunal carries out a review of all cases to be dealt with on the papers and may decide at any time that it is necessary for the proper determination of the matter for a hearing to be held. The parties will be given sufficient time to prepare themselves for any such hearing.
8. **Hearings**
	1. A hearing means an oral hearing and includes a hearing conducted in person and a hearing in whole or in part by video, and any combination of those. The choice of hearing is a matter for the Tribunal alone. A party cannot demand a specific form of hearing.
	2. All hearings are held in public unless a direction is given that it should be in private.
	3. All lists of hearings should be displayed in the public area.
	4. If a party has difficulties attending a hearing either in person or by video the party must inform the Tribunal straightaway, so that arrangements can be made for the party to participate by other means.
	5. **Once a hearing date has been fixed no adjournment will be considered unless exceptional circumstances apply.**
	6. If a party wishes to put forward exceptional circumstances for an adjournment it must do so on the prescribed case management application form. This should be accompanied by evidence supporting exceptional circumstances which shall include copies of medical certificates if illness is relied upon. The party applying for the adjournment or their representative may be required to attend the hearing either in person or remotely by video to make the application.
	7. The Tribunal is entitled to proceed with the hearing in the absence of a party who does not attend after being notified of the hearing.
9. **Hearing Bundles**
	1. The hearing bundle contains the documents that the parties rely on to support their case before the Tribunal. The bundle should not contain documents which the parties will not refer to or otherwise rely on.
	2. Unless directed otherwise the bundle shall be a PDF bundle and adhere to the “Guidance on PDF bundles” which is attached.
	3. **IF THE HEARING BUNDLE IS NOT IN THE PRESCRIBED FORMAT IT WILL BE SENT BACK AND THE PARTY ASKED TO RESUBMIT IT OR THE APPLICATION MAY BE STRUCK OUT**
10. **Evidence given by Video from outside the United Kingdom**
	1. A person is not permitted to give oral evidence by video from outside the United Kingdom unless the party wishing to call the evidence makes a case management application on the prescribed form (see 4.4 above), and the Tribunal gives permission.
	2. The Application should be made as soon as possible and no later than the 7 days from the first set of directions. The Application must state why the person giving the evidence cannot attend the hearing, the Country from which the person proposes to give evidence and the content of the proposed evidence. The Application must be sent to the other party and invited to make representations to the Tribunal.
	3. If the Country has refused permission or there are no diplomatic relations in place to request clearance, the Tribunal must refuse a request to give oral evidence by video outside the United Kingdom.
	4. The Tribunal will determine an application for permission on its merits and in accordance with the overriding objective. If no application for permission is made before the hearing, the Tribunal will refuse to admit the evidence given by video from outside the United Kingdom.
11. **Inspections**
	1. The Tribunal will only seek to carry out an internal inspection where satisfied that: (1) the case cannot be dealt with by employing alternative means such as looking at photographs and/or videos of the condition or other relevant aspects of the property; and (2) that an inspection is essential to deal with the case fairly and justly and in accordance with the overriding objective.
	2. There is no right for a party to insist on an inspection being undertaken by the Tribunal. If the condition of the property is salient to the issues of the property, the parties have permission to include photographs in their evidence which should be in a separate bundle and may include narrative commentary on their contents.
	3. The Tribunal may arrange a drive by of property or an external inspection. The Tribunal may also view the property on the internet.
12. **Representatives**
	1. If a party appoints a representative the party must send or deliver to the Tribunal by email and to each other party written notice of the representative’s name and address.
	2. Where the Applicant has completed an application form which contains a signed statement of truth from the Applicant and gives a name of a representative, the application form will constitute good notice of the representative’s name and address. If the form has been signed by the representative in place of the party, it would not constitute good notice and a separate authority signed by the party must be provided.
	3. Where a representative is appointed, the Tribunal and the other party will send all documentation to the Representative at the address given in the written notice.
13. **Witness Statements**
	1. Witness statements should identify the name and reference number of the case, have numbered paragraphs and end with a statement of truth (i.e. “I believe that the facts stated in this witness statement are true”) and the signature of the witness. In addition, witnesses are expected to attend the hearing to be cross-examined as to their evidence, unless their statement has been agreed by the other party.
14. **Expert Witnesses (where directed)**
	1. No party may adduce expert evidence without the permission of the Tribunal.
	2. Expert evidence is to be given in a written report. The expert will normally be expected to attend the hearing so that the expert can be asked questions on the report.
	3. The written report must contain:
		1. confirmation that the expert understands his/her duty to help the Tribunal on matters within the expert’s expertise and this duty overrides any obligation to the person from whom the expert has received instructions or by whom the expert is paid”
		2. contains the words “I believe that the facts stated in this report are true and that the opinions expressed are correct”,
		3. comply with the requirements of any practice directions as regard its form and contents.
		4. that the expert is not acting under a conditional fee agreement or that the expert’s fee does not depend on the value determined by the Tribunal.
		5. be signed by the expert.
15. **Fees**
	1. Fees can be paid electronically details of which are on the application form.
	2. If fees are not paid the application or hearing will not proceed.
	3. Application and hearing fees are not refundable.
16. **Withdrawal**
	1. If a party wishes to withdraw an application s/he must give written notice by email to the Tribunal on the prescribed form <https://www.gov.uk/government/publications/ask-the-first-tier-tribunal-property-chamber-for-consent-to-withdraw-an-application> which must be:
		1. signed and dated
		2. Identify the case or part of the case withdrawn
		3. State whether anything else remains to be determined
		4. Confirm that a copy has been sent to the other side(s)
		5. and state when done
		6. Include the written consent of the other party(ies) who have consented to the withdrawal.
	2. Notice of withdrawal will not take effect unless the Tribunal consents to the withdrawal.

**Regional Tribunal Judge Whitney**

**Date of Issue: December 2023**

**LIST OF ADVICE AGENCIES**

**FTT (PROPERTY CHAMBER)**

* **Lease**, Fleetbank House, 2-6 Salisbury Square, LONDON EC4Y 8JX

TEL: 0207 832 2500

* **Shelter**

Telephone advice line on 0808 800 4444 (open 365 days of the year.)

WEB: [england.shelter.org.uk/](http://england.shelter.org.uk/)

* **The University of Portsmouth**

Legal Advice Clinic

TEL: 02392 844114

EMAIL: advice@port.ac.uk

* **The University of Law**

At the Brighton Leasehold Advice Clinic

Contact University of Law, Braboeuf Manor, Portsmouth Road, St.Catherines, Guildford GU3 1HA

TEL: 01483 216865

EMAIL

(Catchment area is roughly 15 miles from Brighton.)

And at the Legal Advice Clinic on the Guildford Campus

**GENERAL**

* **Law Centres** You can find your local Law Centre through the Law Centres Network website. <http://www.lawcentres.org.uk/>
* **Citizens Advice** have centres available throughout the country and may be able to provide advice on your housing issue. Visit their website to find your local centre and their contact details: <https://www.citizensadvice.org.uk>
* **You can find a Solicitor** through the Law Society directory: <http://solicitors.lawsociety.org.uk/>
* **You can contact a Barrister** directly through the direct access portal:

 <http://www.directaccessportal.co.uk/search/1/barrister>

* LawWorks maintains a list of services including Law Centres and other free Legal Advice Clinics that may be able to provide you with support.

Please visit [www.LawWorks.org.uk](http://www.LawWorks.org.uk)