

REGULATION

RICS Regulatory Tribunal Practice Direction D

Version 1 with effect from 24 October 2022



RICS Regulatory Tribunal Practice Direction

Practice Direction D – case management directions (fixing cases for hearing)

Introduction

- 1 This Practice Direction is issued by the Presiding Chair of the Regulatory Tribunal (the Tribunal) and will take effect on 24 October 2022. It will apply to matters that have been referred to the RICS Regulatory Tribunal for consideration by the Registration Panel, Disciplinary Panel (both disciplinary and interim measures) and Appeal Panel.
- 2 This Practice Direction does not apply to Single Member Decisions cases referred to the Tribunal, rejection of a Single Member Decisions or Fixed Penalty Notice Reviews.
- 3 This Practice Direction sets out the procedure that the Tribunal will operate in respect of case management directions for the purpose of fixing a date for case hearings. It is intended to give guidance to parties and participants appearing before the Tribunal but not to replace rules setting out general procedures for disciplinary, registration and appeal panels.
- 4 This Practice Direction should be read in accordance with the RICS Regulatory Tribunal Practice Direction (Version 2 with effect from 2 March 2020) setting out the formality of Standard Directions in a case, as well as the Rules applying to all hearings set out in Regulatory Tribunal Rules (Version 2 with effect from 2 February 2022), Regulatory Tribunal Rules (Version 1 with effect from 2 March 2020), Disciplinary, registration and appeal panel rules (01 April 2009 Version 7 with effect from 01 January 2017) and RICS Disciplinary, Registration and Appeal Panel Rules (Version 8 with effect from 1 October 2019).

Objectives of the Practice Direction

- 5 The objective of this Practice Direction is to enable the Tribunal to:
 - a deal fairly with parties, their representatives, and other participants in the matters before the Tribunal
 - b determine cases efficiently and expeditiously
 - c deal with cases proportionately
 - d deal with cases in accordance with duty to be independent and impartial.

- 6 All parties and participants must actively assist the Tribunal and the Regulatory Tribunal Team (administrative team) in fulfilling the objective. This includes identifying any circumstances that may give rise to their failure to comply with the Directions, and they must immediately inform the Head of Regulatory Tribunals and where appropriate seek an application to vary or dispense with any Directions made by the Tribunal, or as part of the Standard Directions.

Case management directions

- 7 The Regulatory Tribunal Team will seek to engage with all parties, or their representatives (and where appropriate other participants), within four weeks of the date of referral to the Regulatory Tribunal, in order to list the substantive hearing of the case.
- 8 Where this is not possible to do within four weeks, or where there are difficulties in fixing appropriate dates for the hearing by agreement between parties or participants, the Head of Regulatory Tribunals may, of their own volition or on request of a party or parties, list the case for consideration of case management directions to fix a date for substantive hearing. This will usually be held two weeks later and the Head of Regulatory Tribunals will notify the party or parties of the date.
- 9 The consideration of case management directions will ordinarily be held on the papers and in private, by the Presiding Chair or any Panel Chair of the Regulatory Tribunal.
- 10 Where a party or parties wants the consideration of case management directions to be held as an oral (remote) hearing, they must confirm this in writing to the Head of Regulatory Tribunals (or Regulatory Tribunal Team) within seven days of notification of the date for the consideration of case management directions.
- 11 Parties may make representations on the consideration of case management directions to fix a date for substantive hearing. This may include providing dates of availability for the Regulated Member, representatives and/or witnesses. Those representations should be made:
 - a where the case is on the papers: in writing and at least five days prior to the consideration of the case management directions, and must be copied to the other party or parties
 - b where the case is an oral hearing: at the hearing, although parties are encouraged to provide their availability dates to the Regulatory Tribunal Team in writing in advance.
- 12 In considering the case management directions, the Presiding Chair or a Panel Chair retains the discretion to receive representations other than as set out in 11 above, where it is appropriate in the circumstances to do so.

- 13 In considering the case management directions, the Presiding Chair or a Panel Chair may review the circumstances of the case, consider the written or oral representations of the parties (where provided), as well as any other relevant information such as dates provided by the Regulatory Tribunal Team for the availability of Regulatory Tribunal Members.
- 14 The Presiding Chair or a Panel Chair may make directions to fix a date for the substantive hearing and/or make any other case management directions. Those directions will be provided to the Head of Regulatory Tribunal or Regulatory Tribunal Team.
- 15 It is not anticipated that the Presiding Chair or a Panel Chair will make case management directions to determine legal arguments such as admissibility of evidence.
- 16 The outcome of the consideration of case management directions will be notified to all parties within seven days and will include a copy of the directions made and, where appropriate, indicate the date of substantive hearing. This will not amount to service of notice as required under the Rules.
- 17 The Tribunal will not publish the forthcoming dates for, or the outcome of, these types of case management directions hearings as set out in this Practice Direction. There will be no public attendance at any oral hearings.

Failure to comply with the Practice Direction

- 18 Where a party or parties are unable to comply with the directions including attendance at the date fixed for hearing, they should seek variation in accordance with the appropriate rules.

Signed:

A handwritten signature in blue ink, appearing to be 'M. Burton', with a long horizontal flourish extending to the right.

Sir Michael Burton GBE, Presiding Chair of the Regulatory Tribunal

October 2022

Delivering confidence

We are RICS. Everything we do is designed to effect positive change in the built and natural environments. Through our respected global standards, leading professional progression and our trusted data and insight, we promote and enforce the highest professional standards in the development and management of land, real estate, construction and infrastructure. Our work with others provides a foundation for confident markets, pioneers better places to live and work and is a force for positive social impact.

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