

REGULATION

RICS Regulatory Tribunal Practice Direction C

Version 1 with effect from 24 December 2021

RICS Regulatory Tribunal Practice Direction

Practice Direction C – remote and hybrid hearings

- 1** This Practice Direction sets out the procedure that RICS Regulatory Tribunal ('the Tribunal') will operate in respect of remote and hybrid hearings. For these purposes a hybrid hearing is one at which some participants attend in person and some attend via a video/audio platform.
- 2** This Practice Direction applies to all hearings in relation to matters governed by *Regulatory Tribunal Rules* (Version 1 with effect from 2 March 2020), *Disciplinary, registration and appeal panel rules* (1 April 2009 Version 7 with effect from 1 January 2017) and *RICS Disciplinary, Registration and Appeal Panel Rules* (Version 8 with effect from 1 October 2019). This Practice Direction should be considered in conjunction with *RICS Regulatory Tribunal Practice Direction* (Version 2 with effect from 2 March 2020).
- 3** This replaces the Practice Direction 2 dated 1 April 2020.
- 4** This Practice Direction will cease to have effect on a date to be determined by the Presiding Chair of the Regulatory Tribunal.
- 5** In light of the continuing COVID-19 pandemic and RICS organisational promotion of digital first, the Tribunal will be listing as a default position, all hearings as remote hearings for the foreseeable future.
- 6** Where a party, or both parties, wish to request the hearing is held in-person or as a hybrid hearing, that request must be made to the Head of Regulatory Tribunals:
 - a** in writing (with reasons for the application) and
 - b** at least 28 days prior to the first day of the hearing and
 - c** a copy served on the other party.
- 7** The request will be considered by the Panel Chair in accordance with appropriate corresponding case management Rules:
 - a** Rule 46 in *Regulatory Tribunal Rules* (Version 1 with effect from 2 March 2020) or
 - b** Rule 37 in *Disciplinary, registration and appeal panel rules* (01 April 2009 Version 7 with effect from 01 January 2017) or
 - c** Rule 46 in *RICS Disciplinary, Registration and Appeal Panel Rules* (Version 8 with effect from 1 October 2019).

- 8 The Tribunal will continue to publish forthcoming hearings on the RICS website, indicating whether they will be on a remote, hybrid or in-person basis at the Birmingham or London offices.
- 9 Unless the Tribunal has directed that a matter should be heard in private (either in whole or part) all Tribunal hearings are heard in public, and the press and public can attend any public hearing being held remotely or being conducted as a hybrid hearing. Members of the press will be permitted to access public hearings remotely via audio only. Requests to attend should be made to ricshearings@rics.org.
- 10 All hearings will be recorded for the purpose of obtaining a transcript or being considered in the event of an Appeal or legal challenge. Ordinarily, a recording will not be made available to any parties or non-parties. Parties, witnesses, and observers are not permitted to record the in-person, remote or hybrid hearing without the Tribunal's permission.
- 11 A transcript is not always made from the recording of a hearing. Where an appeal against a decision of the Panel is lodged, a transcript of the hearing will be produced for the Appeal Panel and parties, and the cost of that transcript will be considered as part of the costs application on determination of the case. Where no appeal is lodged by either party, or no transcript has been produced, a party to proceedings may request a transcript, which will be provided electronically at an additional cost (varies depending on length and type of hearing). A transcript of the hearing will ordinarily not be made available to non-parties (without valid legal cause to request).
- 12 This Practice Direction will be supplemented by a *Guidance for attending a virtual hearing* prepared by the RICS Regulatory Tribunal Team to assist parties, witnesses and observers with the practical aspects of remote and hybrid hearings.

Signed:

A handwritten signature in blue ink, appearing to be 'M. Burton', written over a faint, illegible printed name.

Sir Michael Burton GBE, Presiding Chair of the Regulatory Tribunal

24 December 2021

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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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