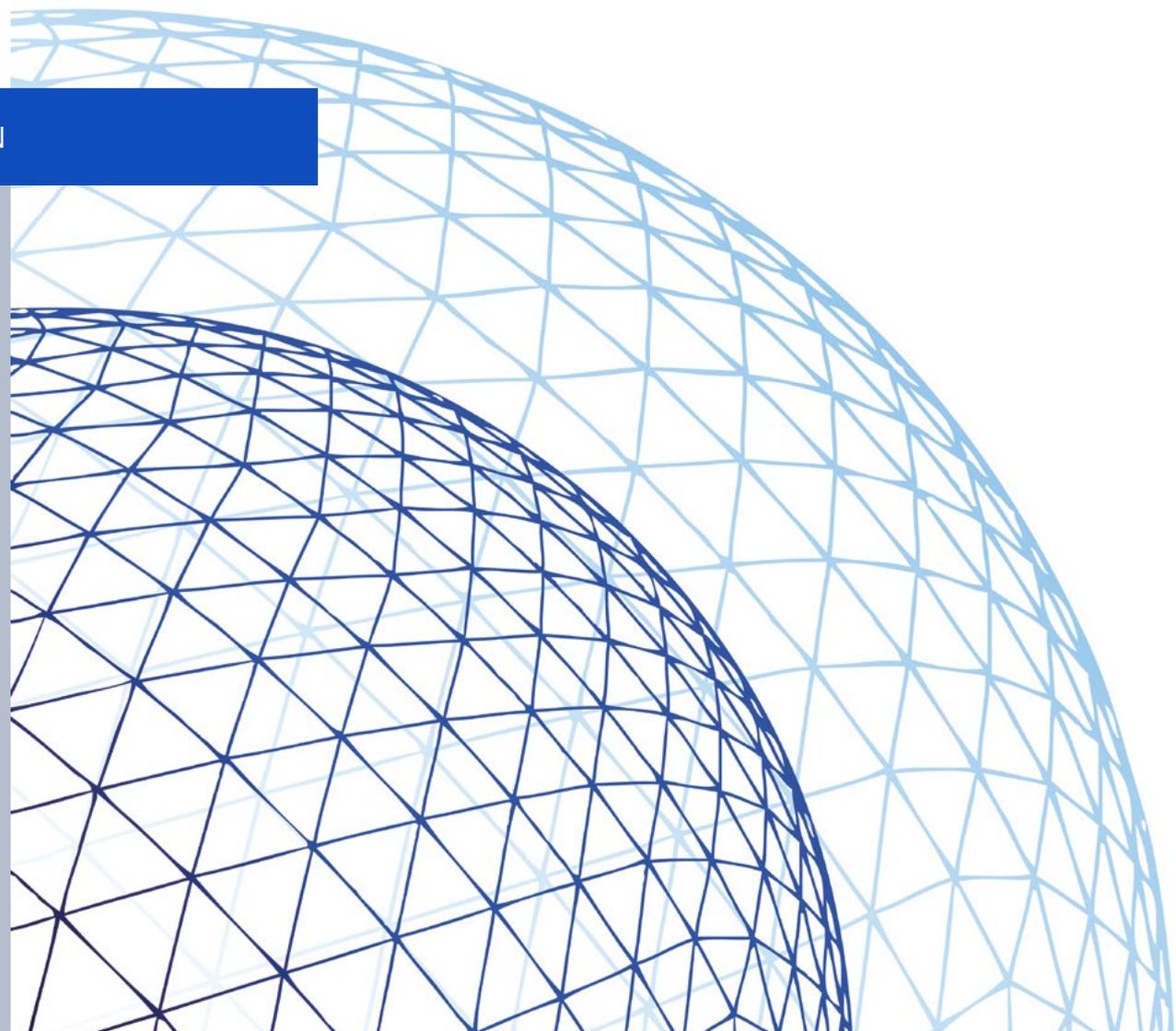


REGULATION



RICS Regulatory Tribunal Practice Direction

Version 2 with effect from 2 March 2020

RICS Regulatory Tribunal Practice Direction

Practice Direction A

Introduction

- 1** This Practice Direction is issued by the Presiding Chair of the Regulatory Tribunal ('the Tribunal') and will take effect on 2 March 2020. It will apply to matters that have been referred to a Disciplinary Panel or Appeal Panel for consideration and/or hearing.
- 2** The Practice Direction does not apply to applications for, or hearings relating to, interim measures.
- 3** The Standard Case Management Directions ('Standard Directions') set out within this Practice Direction may be subject to further case management directions issued by the Presiding Chair of the Regulatory Tribunal, Single Member of the Regulatory Tribunal, Chair of a Disciplinary Panel or Appeal Panel, and, where appropriate, will apply as modified by those directions.

Objectives of the Practice Direction

- 4** The overriding objective of the Practice Direction is to provide a procedural code to enable the Tribunal to deal with disciplinary cases expeditiously, fairly and justly. Consequently, all parties must assist the Tribunal to further the objective and to cooperate in implementing this Practice Direction and the Standard Directions. A party will inform the Head of Regulatory Governance and Tribunals, without delay, of any circumstance that may give rise to their failure to comply.
- 5** Each party will act in a manner that is professional, courteous and respectful at all times.
- 6** Each party is expected to work efficiently and proportionately, seeking to ensure fairness, uphold professionalism and to reduce the time and cost of the proceedings and hearing.
- 7** A Single Member, Disciplinary Panel or Appeal Panel or Chair of a Disciplinary or Appeal Panel must further the overriding objective, in particular when:
 - a** exercising any power given to it by the Rules
 - b** applying any Practice or Standard Direction or
 - c** interpreting any Rule, Practice or Standard Direction.

Proportionality

- 8** This Practice Direction must not be used by a party as a tactical device to secure an unfair advantage over another party. Only steps that are reasonable and proportionate should be taken by the parties to identify, narrow and resolve legal, factual or expert issues.
- 9** Costs incurred in complying with this Practice Direction should be appropriate and proportionate. Where parties incur disproportionate costs in complying with this Practice Direction, those costs will not be recoverable as part of the costs of the proceedings.

Standard Case Management Directions

- 10** Following a decision to refer a matter in accordance with Rule 8(d) of the Regulatory Tribunal Rules (the 'Rules'), the Panel allocated to hear the case will expect the parties to have complied with this Practice Direction and the Standard Directions set out below. The Standard Directions should be read in conjunction with the Rules, which set out certain obligations on the parties.
- 11** In advance of, and during, a hearing each party is expected to provide active assistance in fulfilling its duty under the overriding objective in paragraph 4, and to have communicated with each other and exchanged sufficient information and evidence to:
 - a** enable an understanding of each other's position
 - b** identify the central issues in the case
 - c** identify what is agreed and what is likely to be disputed
 - d** identify any material legal issues that the Panel will need to consider
 - e** identify what information or other material is required by one or other party
 - e** enable decisions to be made about how to proceed; what is to be done by whom and by when (without, or if necessary with, a direction from the Single Member or Panel) and
 - f** support the fair, timely and efficient management of the progress of the case.
- 12** The following Standard Direction will apply:
 - a** Both parties will comply with its service and disclosure obligations, as set out within the RICS Regulatory Tribunal Rules.

Modification of the Standard Directions

- 13** A party wishing to vary any of the Standard Directions set out above, or to obtain additional directions, must apply in writing in accordance with the Regulatory Tribunal Rules.

Failure to comply with the Practice Direction and/or Standard Directions

- 14** Any failure to comply with this Practice Direction or these Standard Directions, without a prior application having been made for modified directions in accordance with paragraph 13 above, or failure to comply with the Rules, may result (whether after the making of a further and final order or otherwise) in:

- a** the Panel drawing such inferences as it considers appropriate in respect of the failure by a party to comply with the directions
 - b** the Panel not allowing any evidence that has not been served in accordance with the Standard Directions to be adduced at a hearing or
 - c** the Panel making an order, at the conclusion of the hearing, that the party who failed to comply with the directions pay all or part of the other party's costs or expenses occasioned by the failure in accordance with the Rules relating to costs as specified in the RICS Regulatory Tribunal Rules.
- 15** In this Practice Direction, references to a 'party' includes reference to her/his or their representative(s).

Signed:



Sir Michael Burton, Presiding Chair of the Regulatory Tribunal

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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