

RIDING ESTABLISHMENTS APPEAL TRIBUNAL

Homepage

Welcome to the website for the Riding Establishments Appeal Tribunal in the Isle of Man.

This website is provided by the General Registry to give general guidance only in relation to the Riding Establishments Appeal Tribunal ("the Tribunal") and is not, and should not be treated as, a complete and authoritative statement of the law. Advice from legal or other appropriate sources should be sought as necessary.

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Useful Links

General

1 What is the Riding Establishments Appeal Tribunal?

The Riding Establishments Appeal Tribunal ("The Tribunal") is an independent judicial body established in law to hear and determine appeals brought by:

(a) a person aggrieved by the refusal of the Department of Environment, Food and Agriculture ("the Department") to grant or renew a licence, or by any conditions specified on the licence when one has been granted

(b) a person aggrieved by the decision of the Department to cancel any licence and to disqualify him from keeping a riding establishment for a certain period

A person bringing an appeal is referred to as the "Appellant".

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2 How are the members of the Riding Establishments Appeal Tribunal appointed and who are the current members?

The Riding Establishments Appeal Tribunal is appointed under the provision of section 5 of the Riding Establishments Acts 1968 and 1986 which states, inter alia, that:

'(1) There shall be constituted an appeal tribunal to be called the Riding Establishments Appeal Tribunal and to consist of a chairman and two other members appointed from time to time in accordance with the Tribunals Act 2006'

There are no members of the Tribunal currently appointed.

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3 Are there rules governing the procedure of the Tribunal?

Provisions made in the Schedule to the Riding Establishments Acts 1968 and 1986 ("the Acts") apply to appeals to the Tribunal under section one (Licensing of riding establishments) or section four (Penalties) of the Acts. (see [Useful Links](#)).

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Making an Appeal

4 Who can lodge an appeal?

Section 1(7) of the Acts provides that "Any person aggrieved by the refusal of the Department to grant or renew a licence under the provisions of this Act, or by any condition specified in a licence by virtue of subsection (3), may appeal to the tribunal constituted under the provisions of section five of this Act."

Section 4(3) of the Acts provides that "Where a person is convicted of any offence under this Act or of any offence under section 6 of the Cruelty to Animals Act 1997, the Department may cancel any licence held by him under this Act and may, whether or not he is the holder of such a licence, disqualify him from keeping a riding establishment for such period as the Department thinks fit." The

decisions of the Department in this section can be subject to appeal under the provision of Section 5(5) of the Acts in terms of "Any person aggrieved by the decision of the Department under subsection (3) of this section may appeal to the tribunal constituted under the provisions of section five of this Act."

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5 Do I have to use a particular form on which to give notice of appeal?

An appeal has to be made in writing, although there is no prescribed form to use. The appeal should clearly set out the grounds on which the appeal is based and should also clearly state the Appellant's name and address, preferably with a telephone and/or e-mail contact details included. The appeal should be sent or taken to the Clerk to the Tribunal ("the Clerk") and a copy should also be sent or taken to the Department (please see sections 7 and 8 below).

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6 Is there a charge for bringing an appeal?

No – there is no charge for submitting an appeal.

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7 What are the contact details for the Riding Establishments Appeal Tribunal?

Contact details for the Tribunal are:

Clerk to the Riding Establishments Appeal Tribunal
Tribunals Office
Isle of Man Courts of Justice
Deemsters Walk
Bucks Road
Douglas
Isle of Man
IM1 3AR

Telephone: 685023 Fax: 685573 Email: tribunals@gov.im

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8 What are the contact details for the Department?

Contact details for the Department of Environment, Food and Agriculture are as follows:

Animal Health – Inspecting Officer
Thie Slieau Whallian
Foxdale Road
St Johns
Isle of Man
IM4 3AS

Telephone enquiries: (01624) 685844

Email: animal.health@gov.im

Website: www.gov.im/daff/animals/horses

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9 Do time limits apply with regard to bringing an appeal to the Tribunal?

Yes – the 'Notice of Appeal' shall be given to the Clerk within **14 days** after the date on which the appellant has received notice of the decision of the Department in respect of which he is aggrieved or, where he has appealed against a conviction for an offence under the Acts or under section 6 of the Cruelty to Animals Act 1997, within **14 days** after the date of the determination of that appeal (see [Useful Links](#)).

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10 Can a party be represented in proceedings before the Riding Establishments Appeal Tribunal?

Yes – in proceedings before the Riding Establishments Appeal Tribunal an Appellant may represent themselves or be represented by any other person. The Department may be represented by any member or officer of the Department.

You will be personally responsible for any professional fees charged by an Advocate who represents you if this is a route you decide to take.

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11 Is Legal Aid available for proceedings before the Riding Establishments Appeal Tribunal?

No – Legal Aid is not available for proceedings before the Riding Establishments Appeal Tribunal, although very limited assistance may be available (should your means be such as to comply with the rules) under what is termed the Green Form Scheme. This enables persons to obtain legal advice from an advocate, but this does not include representation at a Tribunal hearing.

Further information on the Green Form Scheme is available from the Civil Legal Aid Office at the General Registry, contact 685977 or should be sought from an advocate, a list of which is available from the Isle of Man Law Society, 27 Hope Street, Douglas, telephone number 662910. Alternatively their website is www.iomlawsociety.co.im

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12 What if my address, or that of my representative, changes after my appeal is submitted?

In the event that you change your address, or your representative changes address, it is vitally important that such is communicated in writing to the Clerk and to the Department.

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Before the Hearing

13 When will I be advised of the date for the Tribunal Hearing?

The Clerk will acknowledge receipt of your appeal in writing and will arrange a date for your appeal to be considered by the Tribunal. Once a hearing date has been arranged, you will be notified in writing of the date, time and venue for the hearing.

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14 If an appeal is made, can it be withdrawn?

Yes, an Appellant may, not less than two clear days before the date fixed for the hearing, abandon the appeal by giving notice in writing to the Clerk and to the Department. However, in the event of any such abandonment, the Tribunal may order the Appellant to pay to the Department such costs as appear to the Department to be just and reasonable in respect of the expenses properly incurred by

the Department in connection with the appeal before notice of the abandonment was given.

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15 What if I have further information to add to my appeal?

You may submit any further information to the Clerk at any time up until the Tribunal hearing but if the Department and the Tribunal have not had enough opportunity to consider the information supplied, the hearing may be adjourned. In order to avoid delays, it is therefore important that you make every effort to include all the information, and supporting documentation that you wish the Tribunal to consider, as part of your initial appeal wherever possible – where it is not possible to lodge all the information as part of the appeal, you should forward the additional information to the Clerk, and send a copy to the Department, as soon as you can.

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16 What if a party needs to apply for a postponement?

Parties may request a postponement prior to the hearing but this should be made in writing to the Clerk to the Tribunal, and should clearly explain the reason for the request.

The Clerk will bring the request to the attention of the Chairperson for their consideration. If the Chairperson decides to grant a postponement, the Clerk will notify parties accordingly and will arrange a new date for the appeal to be considered.

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17 What about travel and parking arrangements for the hearing?

Each party would have been notified of the date, time and place of the hearing and will normally be asked to arrive 15 minutes before the hearing is due to commence. It is important that consideration is given to travel arrangements, parking etc so as to ensure a party arrives on time. If you are not sure as to the location of the hearing, or any other matters, please contact the Clerk.

Arrangements for car parking should be made by both parties and witnesses, for sufficient time to avoid parking penalties being incurred whilst the hearing proceeds. Please note parties and witnesses are responsible for their own parking fees and any parking penalties incurred.

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The Hearing

18 Do I have to attend the hearing?

It is important that you do try to attend; the Tribunal will have considered the papers received from each party but that alone may not tell the whole story. By attending the actual hearing you will be offered the opportunity to put your side of the story forward, as well as calling any witnesses you may wish to give relevant evidence, and answer any questions the Tribunal may have, all information which may lead to the Tribunal reaching a decision in your favour. You will also be able to ask questions of the Presenting Officer for the Department and any witnesses they may call. You may bring anyone you choose to attend the appeal hearing with you, even if it is just a friend or relative for moral support.

It is important to note that the Tribunal may:

- by summons require any person to attend at the hearing to give evidence or to produce any documents in his custody or under his control which are relevant to the subject matter of the appeal;
- take evidence on oath or require the person examined to make and submit a declaration of

- truth of the matter in respect of which he is examined; and
- by order require any person who appears to have knowledge of the subject matter of the appeal, to furnish in writing or otherwise such particulars in relation thereto as the Tribunal may require and, where necessary, to attend before the Tribunal and give evidence on oath.

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19 Who will be present in the hearing room?

As well as the Tribunal Chairperson and members, the Clerk will also be present as the Clerk is responsible for recording the hearing. Prior to the hearing, if you have any questions, please do not hesitate to contact the Clerk who will do their utmost to assist you. However, please bear in mind the Clerk will not be able to provide you with legal advice or comment on the merit of your appeal.

A representative will attend on behalf of the Department and you will be given the opportunity to ask them questions. They will also have the opportunity to ask you questions.

It is customary to address the Tribunal via the Chairman who should be called either 'Sir' or 'Madam'. If it is necessary to address either of the lay members directly they again may be referred to as 'Sir' or 'Madam' or alternatively by name.

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20 What happens at the hearing?

The Clerk will come to collect you from the waiting area as soon as the Tribunal is ready to hear your appeal. Please bring your case papers with you as you will need to refer to them from time to time.

The Chairperson will introduce everyone and explain the procedure, however please do not hesitate to ask if you are unsure about anything.

Tribunal hearings are less formal than, for example, in the High Court. It is not necessary to stand to address the Tribunal.

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21 Is the hearing recorded?

Yes – The Clerk will ensure that the hearing is recorded and parties will see microphones for this purpose located on each of the tables.

Although copies of the recording may be purchased following the hearing (it usually takes a few days for copy discs to be made available), on payment of the prescribed fee, it is the responsibility of parties to take their own notes for their use during the proceedings.

Apart from the Clerk, it is **not permitted** for any other person in attendance at the hearing to use any form of recording equipment.

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22 Are members of the public allowed to attend the hearing?

Yes – the members of the public are free to attend if they wish however in reality it is very rare for members of the public to attend a hearing.

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23 How long will the hearing take?

This question is often asked but is extremely difficult to answer in advance with any accuracy as the

length of the hearing will, in the main, be driven by how each party wishes to present its case and the evidence that each party's witnesses may give as well as the questioning of those witnesses.

It is often the practice for the Tribunal to set aside a day for each case to be heard to ensure that the matter can be concluded in that day. If more than one day is known to be required then the parties will have been notified of this in advance.

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24 Is evidence given under Oath or Affirmation?

The Tribunal may take evidence on oath or by affirmation. The Chairman of the Tribunal may administer oaths or may require the person to make and submit a declaration of the truth of the matter.

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25 Can a party be liable for costs in proceedings before the Tribunal?

The Tribunal may order payment of costs as it thinks fit or may fix a sum to be paid by way of costs in lieu of directing a taxation thereof. Any costs ordered to be paid by the Tribunal may be recovered summarily as a civil debt and shall not be recoverable in any other manner.

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26 How does the hearing conclude?

After closing statements by the parties summing up their respective cases the Tribunal is likely to adjourn briefly to consider how long may be needed to reach a decision.

The hearing of the matter is now closed.

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The Decision

27 When will I be given a decision?

The Tribunal may either dismiss the appeal or give to the Department such directions as the Tribunal thinks fit in respect of the licence which is the subject of the appeal. Although it is possible for a Tribunal in some cases to give its decision immediately, other cases will require more lengthy consideration and the parties will be advised that the Tribunal will reserve its decision which, with reasons, will follow in writing some weeks later.

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28 Does the decision have to be unanimous?

No - a decision of the Tribunal may be taken by a majority.

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Useful Links

Website for Department of Environment, Food and Agriculture: www.gov.im/daff/animals/horses

Website for Isle of Man Law Society: www.iomlawsociety.co.im

The Tribunals Office is not responsible for the content of external internet sites.

Downloadable Documents:

[Riding Establishments Acts 1968 and 1986](#)

[Cruelty to Animals Act 1997](#)

[Veterinary Surgeons Act 2005](#)