

## CHURCH COMMISSIONERS

### GUIDANCE

1. These guidelines have been prepared in order to set out the circumstances in which the Church Commissioners' Mission, Pastoral and Church Property Committee will, in principle, be minded to hold an oral hearing.
2. Extensive consultation is carried out when a scheme or order is published. Representations and comments are collected and are sent to the bishop of the diocese for comments. The bishop's response is then sent to all those who have made representations, who are invited to comment further. Therefore the Committee will have a substantial amount of written evidence before it in every case, and all parties will have had the opportunity to make comments on comments made by the other parties (in the case of representors other than the bishop to make comments on the bishop's response).
3. In the light of this, the Committee will, generally speaking, seek to make decisions on the basis of the papers before them, and will be inclined not to hold an oral hearing except in the following circumstances:
  - (i) When fairness requires that they do so in the light of the facts of the case and the importance of what is at stake, for example, by reason of the consequences of their decision for those who are likely to be affected by it. Fairness is not likely to require an oral hearing unless, for example, such a hearing is needed to ensure that the Commissioners receive all relevant information, or it is appropriate, if not necessary, for relevant information received by the

Commissioners to be properly tested, for example, by questioning by the parties and/or the Commissioners, and for the arguments to be more closely examined.

- (ii) Where facts which appear to be important are in dispute or where a significant argument is advanced which cannot fairly be resolved on the papers which needs to be heard orally in order fairly to determine its credibility.
  - (iii) Where the Commissioners consider that they are likely to be significantly assisted by the direct participation of those who wish to make oral representations (representors) in reaching their decision.
  - (iv) Where the Commissioners consider that it would be of real benefit to representors to be able to attend and participate in such a hearing and to make representations orally to the Commissioners, provided always that they appear to have something useful to contribute.
4. If the Commissioners are in real doubt whether to hold an oral hearing or not, in principle they will be minded to do so, notwithstanding their general policy of determining cases on the papers where possible.
5. The Commissioners will consider in every case whether to hold an oral hearing, whether or not they have received a request to do so.