AGRICULTURAL LANDS TRIBUNAL FOR WALES
TRIBIWNYLS TIROEDD AMAETHYDDOL

Reference:	ALT/03/2026
Applicant:	(Landlord) Anne Pritchard (as administrator of the estate of John Morgan Evans) (represented by GHP Legal)
Respondent:	(Tenant) Karen Louise Titley (as executor of the estate of Allan James Titley) (represented by Agri Advisor)
Holding:	Land at Henddol and Pen-y-garm, Friog, Fairbourne, Gwynedd
Judge:	Dr Christopher McNall (Tribunal Chairperson)
Hearing:	On the papers
Date:	16 November 2026

ORDER

The Applicant's application that Judge McNall recuse himself from any further involvement with this case is dismissed.

REASONS

1. The underlying application seeks the Tribunal's consent to the operation of a Notice to Quit relating to an agricultural holding subject to the Agricultural Holdings Act 1986 (**'the 1986 Act'**) on the basis that greater hardship would be occasioned to the Applicant landlord by refusing consent to its operation than to the Respondent tenant by giving it: see section 27(3)(e) of the 1986 Act.

2. I have been case-managing this application for several months, including correspondence with the parties, and orders in relation to a site inspection and final hearing of the Application.

3. On 6 November 2026, the file came before me in relation to making final case-management directions.

4. I gave some directions, and, in a separate email, directed the Tribunal's Secretary to write to the parties as follows:

   "Judge McNall is the judge rostered to chair the panel.

   He notes from the file that the Respondent's representative is Ms Melissa Charles-Edwards of Agri Adviser.

Judge McNall is also a practising member of the Bar, and writes to inform the parties that he presently holds a set of instructions from Ms Charles-Edwards in a contentious, non-Tribunal, matter, not involving any of the present parties. He has been instructed on a handful of occasions by Agri Adviser, in other matters, over the last few years.

He has considered the Court of Appeal's guidance in Locabail, especially at Para [25].

If any party wishes to make submissions as to whether Judge McNall should hear this case, they should be made in writing and copied to the other party within 7 days."

5. In Locabail (UK) Ltd v Bayfield Properties and another [1999] EWCA Civ 3004, a composition of the Court of Appeal consisting of the Lord Chief Justice, the Master of the Rolls, and the Vice-Chancellor considered an application for permission to appeal against a decision of Lawrence Collins QC (as he then was), sitting as a Deputy Judge of the High Court (ie, like me, sitting as a fee-paid judge), refusing to recuse himself from a case in which the firm of solicitors in which he was the senior partner and the head of litigation, had acted (in an unrelated dispute) against one of the defendants.

6. The passage referred to was as follows:

"It would be dangerous and futile to attempt to define or list the factors which may or may not give rise to a real danger of bias. Everything will depend on the facts, which may include the nature of the issue to be decided. We cannot, however, conceive of circumstances in which an objection could be soundly based on the religion, ethnic or national origin, gender, age, class, means or sexual orientation of the judge. Nor, at any rate ordinarily, could an objection be soundly based on the judge's social or educational or service or employment background or history, nor that of any member of the judge's family; or previous political associations; or membership of social or sporting or charitable bodies; or Masonic associations; or previous judicial decisions; or extra-curricular utterances (whether in text books, lectures, speeches, articles, interviews, reports or responses to consultation papers); or previous receipt of instructions to act for or against any party, solicitor or advocate engaged in a case before him; or membership of the same Inn, circuit, local Law Society or chambers (KFTCIC v. Icori Estero SpA (Court of Appeal of Paris, 28 June 1991, International Arbitration Report. Vol. 6 #8 8/91)). By contrast, a real danger of bias might well be thought to arise if there were personal friendship or animosity between the

judge and any member of the public involved in the case; or if the judge were closely acquainted with any member of the public involved in the case, particularly if the credibility of that individual could be significant in the decision of the case; or if, in a case where the credibility of any individual were an issue to be decided by the judge, he had in a previous case rejected the evidence of that person in such outspoken terms as to throw doubt on his ability to approach such person's evidence with an open mind on any later occasion; or if on any question at issue in the proceedings before him the judge had expressed views, particularly in the course of the hearing, in such extreme and unbalanced terms as to throw doubt on his ability to try the issue with an objective judicial mind (see Vakauta v. Kelly (1989) 167 CLR 568); or if, for any other reason, there were real ground for doubting the ability of the judge to ignore extraneous considerations, prejudices and predilections and bring an objective judgment to bear on the issues before him. The mere fact that a judge, earlier in the same case or in a previous case, had commented adversely on a party or witness, or found the evidence of a party or witness to be unreliable, would not without more found a sustainable objection. In most cases, we think, the answer, one way or the other, will be obvious. But if in any case there is real ground for doubt, that doubt should be resolved in favour of recusal. We repeat: every application must be decided on the facts and circumstances of the individual case. The greater the passage of time between the event relied on as showing a danger of bias and the case in which the objection is raised, the weaker (other things being equal) the objection will be."

7. On 9 November 2026, and in compliance with my directions, an email was received from Mr Robert Williams, a consultant partner at GHP Legal, in the following terms:

"Dear Sirs,

We refer to your email of 6th November 2026 at 14:49 and the position about the Judge rostered to chair the panel.

We are grateful for notification of this fact.

In my 35 years' experience in litigation, I do not recall any matter being dealt with at a final hearing by a Judge who held instructions from me in any other matter. We have considered Locabail UK Limited -v- Bayfield Properties Limited [2000] 1 All ER 65 at paragraph 25.

Whilst we are not doubting the objectivity of Judge McNall, we consider that it could possibly give rise to doubts in the mind of the parties involved about the

Judge's objectivity. Please remember that there is a history of distrust between the parties going back decades.

This would put Judge McNall in a difficult position. In the circumstances we think the possibility of this doubt should be resolved in favour of recusal.

We trust that you appreciate our position."

8. Nothing has been heard from the Respondent's advisers, Agri Adviser. Their silence is unfortunate (not least since it takes place against the background of both parties in this dispute failing to comply, without any good reason, with the Tribunal's directions). I have taken it that they have no representations to make, one way or the other. I should also add that Agri Adviser have not been in contact with me about any other matter between my directions and the writing of this decision.

9. I have carefully considered GHP Legal's representations. The fact that there is said to be 'a history of distrust between the parties going back decades' is not a sufficient reason to recuse myself. I cannot make any findings on whether the assertion is true and accurate, but, even if (on an assumed basis) it were true and accurate, it does not matter. The feature which occasions this application is my professional connection with one of the parties' solicitors, but the solicitors are not the parties themselves, and whether or not their clients happen tp "distrust" each other is not relevant and indeed is not surprising. It is no more than an expression of the inherent characteristic of adversarial litigation that the parties neither like nor trust each other. If they liked or trusted each other, they would probably have been able to find some way to resolve this dispute consensually, and without the Tribunal's involvement (something which they are still urged to consider: see the Court of Appeal's decision in Churchill v Merthyr Tydfil BC). But that lack of affection or trust as between them (or, even, between their representatives) is not a matter for me. For present purposes, I regard it with indifference.

10. I do not consider that I am in "a difficult position", nor that my objectivity is genuinely under threat. I have a professional connection with one of the parties' solicitors in that she has instructed me on one occasion in the last few months (and other members of that firm have done so on a handful of occasions over the last few years). But I do not share the Respondent's apparent surprise or sense of apprehension about this. This is a specialist jurisdiction and I am a fee-paid judge. Alongside my work as a fee-paid judge, my practice at the independent Bar has, as one of its main elements, work relating to the 1986 Act, which brings

me into professional contact with firms of solicitors across England and Wales who deal with such cases. I have dealt with other cases in this Tribunal in which I have previously professionally encountered, as a barrister, the firms of solicitors involved.

11. As far as I can tell from my own records, no-one at Agri Adviser has ever spoken with me or consulted me about this case (which, for the avoidance of doubt, would be a ground for recusal) or about any similar case, or a case raising similar issues; and I do not have the sort of regular engagement with Ms Charles-Edwards such as to lead me to say that we have a personal connection of the kind which could potentially warrant recusal.

12. There is no allegation of actual bias. In relation to apparent bias, the issue - unpacked - is whether the reasonably objective observer would perceive a real risk that any decision which I take in this case might be coloured by my professional connection with AgriAdviser.

13. I do not consider that the answer to that question can be yes. This is not just about me. The reasonable observer would know and recognise that many judges (over 2000 in England and Wales, and many in the judiciary of the Wales devolved Tribunals, which has, by my calculation, only 4 salaried judges; the rest are fee-paid) are fee-paid, and perform the role on a part-time basis; in many cases alongside other professional roles such as solicitors, legal executives, and barristers. The reasonable observer would also recognise that, in doing so, all judges - whether salaried or fee-paid - have anxious regard not only to the need for justice to be done, and to be seen to be done, but also to the wider reputation of the judiciary.

14. In my view, there are other relevant factors to consider. The first is the nature of the issue which is before the Tribunal, which is an assessment of relative hardship. There are few reported decisions on this provision. The view of the learned editor of the present edition of Williams Scammell and Densham on Agricultural Tenancies is that this ground requires a diverse assessment by the Tribunal, and is inevitably subjective. Similar views are expressed by the learned editors of Muir Watt Moss on Agricultural Holdings. The issue can therefore be described as a mixed question of law and fact.

15. Moreover I am not the sole decision-maker or finder of fact in this case. I will sit as a member of a panel of three, alongside a farmer member and a landowner member. The input of specialist lay members is a core attribute and strength of this Tribunal. I can advise the members on the law, but matters of fact are

matters for all three of us. The Chair's view on the facts does not bind the other Tribunal members; and indeed, in the event of disagreement, the Chair can be out-voted by the Tribunal's members.

16. Therefore, I dismiss the application, and remain rostered to preside over this site inspection and hearing in February 2027, and I now invite the parties to comply with the case-management directions which I have given. I also repeat my comments about the desirability of the parties seeking to fashion solutions by way of negotiation. The outcome before the Tribunal will be binary - that is to say, the Application will succeed, and the Notice to Quit will have effect, or it will fail, and it will not. There will be a winner, and a loser. Both parties may be entirely confident that they will emerge as the winner. However, both parties also need to contemplate the possibility that they will not emerge as the winner.