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:	23 November 2026

ORDER

The Order of 16 November 2026 is set aside.

The Applicant's application that Judge McNall recuse himself from any further involvement with this case (save for the approval of consent orders or other uncontroversial matters, or the proper discharge of his judicial functions in terms of matters such as the allocation of judges and members or listing) is allowed.

REASONS

1. On 16 November 2026 I released a decision, together with reasons, in which, having made the parties aware of my professional connection with the respondent's solicitors, AgriAdviser, and having sought the parties' views, I declined to recuse myself from any further dealings with this case, and in particular recused myself from presiding at the final hearing due to take place next February. The sole ground which had been put forward on the applicant's behalf was that the parties "distrusted" each other. I rejected that argument, for the reasons already set out. Even though I had explicitly referred the parties to Locabail, no submissions were made on it.

2. After that decision had been released, the Tribunal received extensive further written submissions, dated 17 November 2026, from the Applicant, settled by directly instructed counsel, and sent by the Applicant personally to the Tribunal, and not through her solicitors. It might have been better if the applicant, when originally giving her solicitors instructions to respond to the Tribunal's invitation to make submissions, had either instructed them to make all their submissions in

one go, or had instructed them to indicate that further submissions might be made, over and above those contained in her solicitor's letter, which I set out in full in my previous decision. I could then have given one decision and not two. Having had to deal with it piecemeal is undesirable, because the Tribunal has now had to allocate significant additional judicial and administrative resources in dealing with this matter. These resources are finite and are paid for from the public purse.

3. Despite the applicant's procedurally unsatisfactory approach, I decided that it would be fairest to consider the applicant's further representations, and moreover to do so without seeking the respondent's views on them. This was because the respondent had earlier failed to engage with the application at all and thereby, it seemed to me, had already decided not to express any views on the application one way or the other.

4. Having considered those further written submissions, I have decided to set aside my own previous decision and to allow the application. Accordingly, I recuse myself from any further involvement in this case, except if it comes to a non-controversial matter such as the approval of a consent order or other agreed directions, or the ordinary discharge of my duties as the Tribunal's chairperson, such as the identification and allocation of judges and members, or listing. I do not consider that any of those functions are engaged by the recusal application.

5. The further submissions engage squarely with Locabail, and make the point that Locabail refers to 'past instructions' as not ordinarily standing in the way of a judge hearing a case, but is silent on whether that extends to 'present instructions'. In the absence of full argument, I am not expressing a concluded view on this. However, I can see that it is at least arguable that there might be a difference in the context of recusal between past and present instructions. Therefore, that element is something which I should take into account.

6. I am also declining to express any concluded view as to whether the judge's duty of disclosure of their circumstances extends as far as the applicant suggests that it does. For present purposes, it is probably sufficient if I say that I can apprehend potential difficulties where a fee-paid judge who is also a barrister in independent practice is called upon to disclose details of their professional contact with one of the parties, beyond what I have already done, but as the applicant suggests I should, in the sense of (i) the date upon which they were instructed; (ii) whether they anticipate remaining instructed; (iii) the nature of what they were instructed to do (for example, advise in writing or in conference, or settle proceedings); (iv) the number of instructions received from any particular firm; and (v) whether or not they expect to receive instructions in the future.

7. Nor, for present purposes, do I need to decide whether the guidance given by the Court of Appeal in Jones and DAS Legal Expenses Insurance [2003] EWCA Civ 1071 actually extends that far. At paragraph 28, the Court of Appeal remarked that the informed observer would be aware or have some knowledge of the way in which a barrister earns their living:

"The observer would know that just as cases are won and lost, so solicitors come and go, and that the volume of work done by the barrister in that case could fairly be described as occasional."

8. That was not a case where all the barrister's "eggs were in one basket", meaning that there would be no reason to think that the loss of that work would materially affect either his practice or his income to any substantial extent, but would simply release him to do work for other solicitors.

9. I should also emphasise that the Court of Appeal remarked that, without being complacent nor unduly sensitive or suspicious, the reasonable observer would appreciate that professional judges are trained to judge and to judge objectively and dispassionately. Although that does not undermine the need for constant vigilance that judges maintain that impartiality, it is a matter of balance.

10. Ultimately, and taken in the round, it seems to me that this is a case in which it is simply better, in the circumstances, for another judge to hear it, and that is what will happen.

11. Although I have reached the conclusion to recuse myself, I do not resile from the observations which I made in my previous decision. It is hard to see circumstances where the parties' "distrust" of each other (or even their representatives' distrust of each other) in and of itself, would amount to a good reason for a judge to recuse themselves.

12. I have had no regard as to whether my recusal will or may have any effect on whether this hearing can now go ahead in February. Behind the scenes, considerable administrative efforts had been made to find a judge, assemble a panel, and find an available courtroom (because this Tribunal does not have its own courtroom; and, as a devolved Tribunal, is not part of HMCTS and therefore does not have unimpeded access to the court buildings managed by HMCTS).

13. It is not argued that I should not have made the trial directions which I have made. Those directions still stand as unmodified, and the parties are expected to comply with them.