
DRAFT STATUTORY RULES OF NORTHERN IRELAND

2015 No.

**The Civil Legal Services (Appeal)
Regulations (Northern Ireland) 2015**

PART 4

PROCEDURE OF APPEAL PANELS

Appeals which may be struck out

22.—(1) Subject to paragraphs (2) and (3), an appeal may be struck out by the secretary to the appeal panels where—

- (a) it is an out of jurisdiction appeal and the appellant has been notified by the Director that an appeal brought against such a decision may be struck out; or
- (b) it is not brought within the time limit prescribed in regulation 8.

(2) Where the secretary to the appeal panels strikes out an appeal, he shall notify the appellant that the appeal has been struck out and of the procedure for reinstatement of the appeal as specified in regulation 23.

(3) The secretary to the appeal panels may refer any matter for determination under this regulation to a presiding member, selected for that purpose by the Director, for decision by that presiding member rather than the secretary.

Reinstatement of struck out appeals

23. A presiding member, selected for that purpose by the Director, may reinstate an appeal which has been struck out in accordance with regulation 22 where—

- (a) the appellant has made representations or, as the case may be, further representations in support of his appeal with reasons why he considers that his appeal should not have been struck out by the secretary to the appeal panels, in writing within one month of the order to strike out the appeal having issued, and the presiding member is satisfied in the light of those representations that there are reasonable grounds for reinstating the appeal; or
- (b) the presiding member is satisfied that the appeal is not an appeal which may be struck out under regulation 22.

Consideration and determination of appeals

24.—(1) All matters relating to the procedure of an appeal panel shall, subject to regulation 10(3) and the following provisions of this Part, be such as the presiding member shall determine.

(2) In this Part “the presiding member” includes an acting presiding member as referred to in regulation 18(2).

Panels to sit in private

25.—(1) Subject to paragraphs (2) and (3), appeal panels shall sit in private.

(2) Where it is necessary or expedient for the efficient and effective working of the panels, the secretary to the appeal panels may also be present during the hearing of any appeal.

(3) Where oral representations are being allowed under regulation 26, the appellant and his representative shall also be entitled to be present during the hearing of the appeal.

Determination without oral hearing

26.—(1) An appeal panel shall take its decision on an appeal without hearing oral representations, except as provided for in paragraphs (2) and (3).

(2) The presiding member shall direct an oral hearing if, and only if, he considers it necessary to receive oral representations in accordance with paragraph (3).

(3) Before allowing an oral hearing of an appeal under paragraph (2), the presiding member must be satisfied that the case which is the subject-matter of the appeal—

- (a) would establish or uphold and develop new and important legal principles;
- (b) would have an unprecedented impact in its consequences for the appellant and be of direct benefit to society at large; or
- (c) is, in terms of its complexity and expected duration, distinct from other cases.

(4) In this regulation, “decision” includes determinations embodied in or necessary to a decision.

Powers of an appeal panel

27.—(1) An appeal panel shall have the same powers as the Director under Article 14(2)(a)(i) of the Order and, without prejudice to the generality of the foregoing, may—

- (a) dismiss the appeal;
- (b) direct the Director to issue or amend a certificate subject to such terms and conditions as the panel think fit; or
- (c) refer the matter or any part of it back to the Director for his determination or report.

(2) It shall be the duty of the Director to have regard to all such decisions and to obey all such directions, if any, as may be given by the appeal panel pursuant to paragraph (1).

(3) Subject to regulation 29, the decision of an appeal panel shall be final.

Decisions of appeal panels

28.—(1) Every decision of an appeal panel (including any decision by the presiding member to allow oral representations) shall be recorded by the presiding member, together with the reasons for that decision, and shall be referred to as a decision notice.

(2) The decision notice specified in paragraph (1) shall be in such written form as shall have been approved by the Director and shall be signed by the presiding member.

(3) As soon as practicable after an appeal has been decided by an appeal panel, a copy of the decision notice shall be sent to the appellant and given to the Director.

Correction of accidental errors in appeal decisions

29.—(1) The secretary to the appeal panels or the presiding member may at any time correct accidental errors in the notice of any decision of an appeal panel.

(2) A correction to a decision notice shall be deemed to be part of the decision notice, and written notice of it shall be sent to the appellant and given to the Director as soon as practicable.

(3) There shall be no appeal against a correction made under this regulation or a refusal to make such a correction.