

SCHEDULE

MODEL RULES FOR APPEALS

CHAPTER I

MODEL RULES FOR APPEALS

PART VIII

SUPPLEMENTARY

Further appeals

33.—(1) The appellant or the Authority may, at any time during the period of three months beginning with the day on which the decision is made, bring a further appeal on any question of law arising from the decision of the appeal by the tribunal.

(2) Where the decision relates to an appeal concerning matters arising in England or Wales, any further appeal under this rule must be made to the High Court.

(3) Where the decision relates to an appeal concerning matters arising in Scotland, any further appeal under this rule must be made to the sheriff or, where the Lord Advocate has so determined in relation to all appeals under these Rules, to the Court of Session.

(4) The High Court, the sheriff or the Court of Session (as the case may be) may confirm, vary, set aside, revoke or remit the decision of the tribunal, and may make any order the tribunal could have made.

(5) No appeal to the Court of Appeal may be brought from a decision of the High Court under this rule except with the leave of the High Court or the Court of Appeal.

(6) No appeal to the sheriff principal or the Court of Session may be brought from a decision of the sheriff under this rule except with the leave of the sheriff.

Irregularities

34.—(1) Any irregularity resulting from failure to comply with any provision of these Rules before the tribunal has reached its decision shall not of itself render the proceedings void.

(2) Where any such irregularity comes to the attention of the tribunal, the tribunal may, and must if it considers any person may have been prejudiced by the irregularity, give such directions as it thinks just, before reaching its decision, to cure or waive the irregularity.

(3) Clerical mistakes in any document recording a direction, order or decision of the Chairman or tribunal, or errors arising in such a document from an accidental slip or omission, may be corrected by the Chairman by certificate under his hand.

Documents etc.

35.—(1) Anything required to be sent to or served on any person for the purposes of the appeal may be—

- (a) delivered to the person personally,
- (b) sent to him at his appropriate address by post or by recorded delivery, or
- (c) sent to him by fax or E-mail (electronic mail), or other similar means which are capable of producing a document containing the text of the communication, in which case the document shall be regarded as sent when it is received in a legible form.

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- (2) A person's appropriate address for the purposes of paragraph (1) is—
- (a) in the case of a document directed to the tribunal or to the Registrar, the address published under rule 2;
 - (b) in the case of a document directed to the appellant or his representative, the address stated in the notice of appeal in accordance with rule 4 or such other address as may be subsequently notified to the tribunal;
 - (c) in the case of a document addressed to the Authority, the address stated in the reply in accordance with rule 12 or such other address as may be subsequently notified to the tribunal.
- (3) Anything required to be sent to or served on a company is duly sent or served if it is sent to or served on the secretary of the company at its principal or registered address for the time being.
- (4) Anything required to be sent or delivered to or served on a partnership is duly sent or served if it is sent to or served on any one of the partners for the time being.
- (5) Where anything is sent to any person by registered post or recorded delivery, it shall be treated as if it had been received by that person on the date on which it is received for dispatch by the Post Office.

Time

36. Where the time prescribed by these Rules for doing any act expires on a Sunday or public holiday, the act is in time if done on the next following day which is not a Sunday or public holiday.

Supervision by the Council on Tribunals

37. The constitution and working of tribunals established under these Rules shall be kept under review and reported on by the Council on Tribunals as if they were tribunals specified in Schedule 1 to the Tribunals and Inquiries Act 1992(1).

General power of the tribunal

38. Subject to the provisions of these Rules, the tribunal may regulate its own procedure.

(1) 1992 c. 53.