
STATUTORY INSTRUMENTS

2005 No. 1788

The Community Interest Company Regulations 2005

PART 11

The Appeal Officer

Time limits

37.—(1) Unless paragraph (2) applies, an appeal to the Appeal Officer must be made by sending a notice of appeal to the Regulator so that it is received within two months of the date upon which the appellant was given reasons for the disputed order or decision in accordance with section 61(5) of the 2004 Act.

(2) When an appeal is brought against a direction of the Regulator made under regulation 23, it must be made by sending a notice of appeal to the Regulator so that it is received within three weeks of the date upon which notice of the disputed direction was given to the community interest company in accordance with regulation 23(8).

(3) On receiving the notice of appeal, the Regulator must—

- (a) send an acknowledgement of its receipt to the appellant together with a copy of any statement made under paragraph (4); and
- (b) forward the notice of appeal to the Appeal Officer endorsed with the date of receipt.

(4) Where paragraph (2) applies, the Regulator must forward with the notice of appeal a statement—

- (a) of the date upon which notice of the disputed direction or decision was given to the community interest company in accordance with regulation 23(8); or
- (b) that no such notice was given.

Notice of appeal

38.—(1) The notice of appeal must state—

- (a) the name and address of the appellant; and
- (b) an address for service in Great Britain.

(2) Unless regulation 37(2) applies, the notice of appeal must—

- (a) specify as precisely as the appellant is able the date or dates on which the appellant was given reasons by the Regulator for the disputed order or decision; or
- (b) include a statement that no such reasons were given.

(3) The notice of appeal must contain—

- (a) a statement of the grounds for the appeal;
- (b) details of the disputed order, decision or direction;
- (c) a succinct presentation of the arguments supporting each of the grounds of appeal; and

- (d) a schedule listing all the documents annexed to the notice of appeal.
- (4) There shall be annexed to the notice of appeal—
 - (a) in the case of a disputed order or decision, a copy of any reasons given by the Regulator under section 61(5) of the 2004 Act; and
 - (b) as far as practicable a copy of every document on which the appellant relies.
- (5) The notice of appeal must be signed and dated by the appellant, or on his behalf by his duly authorised officer or his legal representative.

Appeal procedure etc

- 39.**—(1) The Regulator may make a written response to the notice of appeal.
- (2) Any such written response must be sent to the Appeal Officer so that it is received by him within two weeks of the date on which the Regulator received the notice of appeal or such further time as the Appeal Officer may allow.
- (3) The Appeal Officer must send a copy of the written response to the appellant.
- (4) The Appeal Officer may give the appellant and the Regulator the opportunity to make further written or oral representations.
- (5) The Appeal Officer may specify the time and manner in which such further representations are to be made.
- (6) The Appeal Officer may—
 - (a) make enquiries of any person;
 - (b) receive representations from any person;
 - (c) hold any meeting or hearing; and
 - (d) subject to these Regulations, follow such practice and procedure,as he thinks fit, having regard to the just, expeditious and economical conduct of the appeal.
- (7) The Appeal Officer may specify the time and place at which any meeting or hearing is to be held.

Determination of appeal

40. In determining an appeal, the Appeal Officer shall have regard to all matters that appear to him to be relevant.

Dismissal of appeal

- 41.**—(1) The Appeal Officer may dismiss an appeal at any stage if he considers that—
 - (a) the notice of appeal discloses no valid ground of appeal;
 - (b) the notice of appeal fails to comply with the requirements of regulation 38; or
 - (c) the appellant is not entitled to bring the appeal.
- (2) The Appeal Officer must dismiss an appeal if he considers that the appeal was not brought within the time limits imposed by regulation 37 unless he is satisfied that the circumstances are exceptional.
- (3) The Appeal Officer may dismiss an appeal at any stage at the request of the appellant.

Reasons

- 42.**—(1) The Appeal Officer must give reasons for a decision to—

- (a) dismiss an appeal;
 - (b) allow an appeal; or
 - (c) remit a case to the Regulator.
- (2) The reasons must be given to the Regulator and to the person bringing the appeal.
- (3) The Appeal Officer must make such arrangements for the publication of the decisions listed in paragraph (1) and his reasons for them as he considers appropriate.