

**2008 No. 668**

**TRIBUNALS AND INQUIRIES**

**The Consumer Credit Appeals Tribunal Rules 2008**

<i>Made</i> - - - -	<i>10th March 2008</i>
<i>Laid before Parliament</i>	<i>11th March 2008</i>
<i>Coming into force</i> - -	<i>6th April 2008</i>

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The Lord Chancellor makes the following Rules in exercise of the powers conferred on him by sections 40A(3), 41A(6) of, and paragraph 10 of Schedule A1 to, the Consumer Credit Act 1974(a), and after consultation with the Administrative Justice and Tribunals Council in accordance with section 8 of the Tribunals and Inquiries Act 1992(b).

PART 1  
Introduction

**Citation and commencement**

1. These Rules may be cited as the Consumer Credit Appeals Tribunal Rules 2008 and come into force on 6th April 2008.

**Interpretation**

2.—(1) A reference in these Rules to a rule by number alone means the rule so numbered in these Rules.

(2) In these Rules—

“the 1974 Act” means the Consumer Credit Act 1974;

“the 2006 Act” means the Consumer Credit Act 2006(c);

“the 2007 Regulations” means the Money Laundering Regulations 2007(d);

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(a) 1974 c.39. Sections 40A, 41A and Schedule A1 inserted by section 55 of the Consumer Credit Act 2006 (c.14).  
(b) 1992 c.53 as amended by paragraph 30 of Schedule 8 to the Tribunals, Courts and Enforcement Act 2007 (c.15).  
(c) 2006 c.14.  
(d) S.I. 2007/2157.

“appeal” means an appeal to the Tribunal under section 41(1) of the 1974 Act or under regulation 44(2)(c) of the 2007 Regulations or, where the context requires, an appeal from the Tribunal to the Court of Appeal or the Court of Session;

“appellant” means a person who makes an appeal to the Tribunal;

“applicant” means a party who seeks permission to bring an appeal to the Court of Appeal or the Court of Session against a decision of the Tribunal;

“document” means anything in which information is recorded in any form, and an obligation under these Rules to provide or allow access to a document or a copy of a document for any purpose means, unless the Tribunal directs otherwise, an obligation to provide or allow access to such a document or copy in a legible form or in a form which can be readily made into a legible form;

“file” means send a document to the Tribunal so that the document is received by the Tribunal within any time limit specified by a direction or under these Rules;

“legal representative” means an authorised advocate or authorised litigator as defined by section 119(1) of the Courts and Legal Services Act 1990(a) or any person who according to the law applicable to Scotland or to Northern Ireland has rights to conduct litigation on behalf of members of the public or has rights of audience;

“notice of appeal” means a notice filed under rule 15(1) (notice of appeal);

“panel of chairmen” has the meaning set out in paragraph 1 of Schedule A1 to the 1974 Act;

“party” means the appellant or the Regulator and “other party” shall be construed accordingly;

“register” means the register maintained in accordance with rule 14 (the register);

“Regulator” means the Office of Fair Trading established under section 1 of the Enterprise Act 2002(b);

“Regulator’s decision” means the determination referred to in section 41(1) of the 1974 Act or a decision of the Regulator under regulations 34 or 42 of the 2007 Regulations;

“serve” means send a document to a party so that the document is received by that party within any time limit specified by a direction or under these Rules;

“statement of case” means a statement filed by the Regulator under rule 16(1) (Regulator’s statement of case);

“Tribunal” means the Consumer Credit Appeals Tribunal established by section 40A(1) of the 1974 Act;

“working day” means any day except for Saturday, Sunday, Christmas Day, Good Friday or a bank holiday under the Banking and Financial Dealings Act 1971(c).

(3) Unless the context requires otherwise, anything permitted or required by these Rules to be done by a party may be done by the representative of that party.

## PART 2

### General matters in appeals

#### Directions

- 3.—(1) The Tribunal may at any time give a direction to—
- (a) deal with any request or application made under these Rules;
  - (b) enable the parties to prepare for any hearing;
  - (c) assist the Tribunal to determine the issues; and

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(a) 1990 (c.41).  
(b) 2002 (c.40).  
(c) 1971 (c.80).

- (d) ensure the just, expeditious and economical determination of the appeal.
- (2) The Tribunal may give a direction—
  - (a) at the request of any party; or
  - (b) of its own initiative.
- (3) Where the Tribunal gives a direction of its own initiative under paragraph (2)(b), it may (but need not) give prior notice to the parties of its intention to do so.
- (4) Any request for a direction must include the reasons for making that request.
- (5) Unless the Tribunal directs otherwise or the request is made during the course of a hearing, a request for a direction must be in writing and filed.
- (6) The party making the request must at the same time serve a copy of that request on the other party except where—
  - (a) the request is accompanied by the written consent of the other party;
  - (b) the request is made during a hearing; or
  - (c) the request is made under rule 5(4) (disclosure).
- (7) Where the Tribunal directs that an oral hearing is to be held to consider a request under this rule, the Tribunal must give the parties not less than 14 days notice of the hearing unless the parties consent to shorter notice.
- (8) A direction may be given in writing or orally at a hearing.
- (9) When the Tribunal gives a direction under these Rules containing a requirement, the Tribunal—
  - (a) must include a statement of the possible consequences, as set out in rule 7 (failure to comply), of a party’s failure to comply with the requirement; and
  - (b) may specify a time limit for complying with the requirement.
- (10) The Tribunal may, of the Tribunal’s own initiative or at the request of a party or a witness, vary or set aside any direction given under these Rules.
- (11) The Tribunal must not vary or set aside a direction without first giving any party who requested the direction an opportunity to oppose that decision.

### **Consolidation of appeals**

4. The Tribunal may direct that two or more appeals or any particular issue raised in the appeals, be consolidated or heard together.

### **Disclosure and inspection of documents**

5.—(1) In this rule “relevant document” means a document which is or has been in a party’s possession or control and—

- (a) is to be relied upon by that party in the proceedings;
  - (b) adversely affects that party’s own case;
  - (c) adversely affects another party’s case; or
  - (d) supports another party’s case.
- (2) The Tribunal may give a direction that one or more parties must file and serve on any party a list of—
- (a) all relevant documents; or
  - (b) relevant documents which relate to specified issues.
- (3) A list required under these Rules must indicate—
- (a) the documents in respect of which a right or duty to withhold inspection is claimed; and

(b) the documents that are no longer in the party's possession or control, and their current location.

(4) A party may make a request under rule 3 (directions), without notice to the other party, to exclude a document from a list required under these Rules.

(5) The Tribunal may make such directions as are necessary to determine any matters that arise under this rule including a direction—

- (a) for documents to be produced;
- (b) for a hearing to be held; and
- (c) inviting representations.

(6) Any party to whom a direction under paragraph (2) applies must, if a document to which the direction applies comes to the party's attention at any time during the proceedings immediately notify the Tribunal of that document.

(7) Except where the matters in paragraph (8) apply, a party on whom a list has been served may inspect or take a copy of any document on that list on reasonable notice and at a reasonable time and place.

(8) The matters referred to in paragraph (7) are that the—

- (a) document is no longer in the possession or control of the party who served the list; or
- (b) party who served the list has a right or duty to withhold inspection of the document.

(9) Unless otherwise permitted by a direction, any document provided to the Tribunal or to a party under these Rules may only be used for the purpose of the proceedings in which it was disclosed.

(10) No person may be compelled to produce any document that they could not be compelled to produce on a trial of an action in a court of law in the part of the United Kingdom where the proceedings are due to be determined.

#### **Powers of Tribunal to strike out**

**6.—**(1) The Tribunal may, if it thinks fit order any appeal notice, statement of case or written representation to be struck out at any stage of the proceedings on the ground that it—

- (a) discloses no reasonable grounds;
- (b) is an abuse of the Tribunal's process;
- (c) is likely to obstruct the just disposal of proceedings; or
- (d) is inordinately delayed.

(2) Before making any order under paragraph (1), the Tribunal must provide an opportunity for the party against whom it is proposed that the order should be made to make representations.

#### **Failure to comply**

**7.—**(1) In addition to any direction that the Tribunal thinks it is reasonable to make, the Tribunal may take one of the steps in paragraph (2) in respect of a party, where that party has, without reasonable excuse, failed to comply—

- (a) with a direction given under these Rules; or
- (b) with a provision of these Rules.

(2) The steps referred to in paragraph (1) are—

- (a) where the party is the appellant, dismiss the whole or part of the appeal (or, if there is more than one appellant, that appellant's appeal); and
- (b) where the party is the Regulator, strike out the whole or part of the statement of case and, where appropriate, direct that the Regulator is to be barred from contesting the appeal.

(3) The Tribunal must not take any of the steps under this rule in respect of a party unless it has given that party an opportunity to make representations against the taking of any such steps.

### **Notification of witnesses**

**8.**—(1) Unless the Tribunal directs otherwise, if a party intends to call any witness, that party must file a written notice stating the names of the witnesses that party intends to call not less than 14 days before the day fixed for the hearing of the appeal.

(2) A party calling an expert witness under rule 23(2)(c) must provide full details about that witness when making the request under that rule, including the nature of the expertise that witness is intended to provide.

### **Signature of documents**

**9.** Any requirement in these Rules or in a direction of the Tribunal for a document to be signed by a person is satisfied, in the case of a document which is sent electronically in accordance with these Rules or in accordance with a direction of the Tribunal, by the individual who is required to sign the document producing their name by means of a computer or by other electronic means.

### **Calculation of time**

**10.** Where the time prescribed for doing any act under these Rules expires on a day that is not a working day, the act is done in time if done on the next working day.

### **Sending of notices**

**11.**—(1) Any documents to be served by a party under these Rules must be served—

- (a) by first class post or by personal delivery to the postal address given to that party as the address for service;
- (b) where no address for service has been provided, by first class post or by personal delivery to the party's registered office, principal place of business, head or main office or last known address;
- (c) subject to paragraph (2), by an alternative method.

(2) Documents may only be served on a party by an alternative method if the intended recipient has informed the Tribunal and each other party in writing—

- (a) that they are willing to accept service by an alternative method; and
- (b) of the relevant information to allow documents to be served in that way.

(3) Any documents to be filed with the Tribunal must be filed—

- (a) by first class post or by personal delivery to an address specified by the Tribunal; or
- (b) by such alternative method as the Tribunal may permit.

(4) Where the Tribunal gives permission for documents to be filed using an alternative method under paragraph (3)(b), the Tribunal may—

- (a) specify that the alternative method may be used generally or only in relation to certain documents;
- (b) direct that the alternative method is no longer available or substitute an alternative method with another alternative method; and
- (c) make such directions in relation to the use of an alternative method as the Tribunal considers appropriate.

(5) Any document which is filed or served in accordance with this paragraph must, unless the contrary is proved, be regarded as having been received—

- (a) where it is sent by first class post, the second working day after it was posted;
- (b) where it is delivered to the specified address for service, if it is delivered on a working day before 5pm, on that day; or in any other case the working day after the day it is delivered;

- (c) where it is sent by email or by fax, if it is transmitted on a working day before 5pm, on that day; or in any other case, on the working day after the day that it is transmitted;
- (d) where it is sent by document exchange, the second working day after it is left at the document exchange.

(6) The Tribunal may direct that filing or service of any documents under these Rules be dispensed with and, in those circumstances, may make such consequential directions as the Tribunal considers appropriate.

(7) Any document that is served or filed under the Rules must specify the date on which it is being served or filed.

#### **Absence of a tribunal member**

**12.**—(1) This rule applies when a member who is selected to hear an appeal becomes unable to act.

(2) In the absence of any selected member, the remaining members may continue to hear the appeal if—

- (a) the parties consent in writing; and
- (b) the absent member was not selected from the panel of chairmen.

(3) Except where paragraph (4) applies, where a member selected from the panel of chairmen to hear an appeal becomes unable to act the Tribunal must adjourn the hearing.

(4) The Tribunal need not adjourn the hearing under paragraph (3) if—

- (a) one of the remaining members selected to hear the appeal is a member selected from the panel of chairmen; and
- (b) it is in the interests of justice to continue to hear the appeal.

#### **Member of the panel of chairmen acting alone**

**13.** Any request, application or hearing under these Rules, except for the substantive hearing of the appeal, may be decided or heard by a member of the panel of chairmen acting alone.

#### **The register**

**14.**—(1) Subject to rule 20 and 25 the Tribunal must maintain a register containing details of —

- (a) appeals to the Tribunal; and
- (b) decisions of the Tribunal that dispose of appeals.

(2) The register must be reasonably accessible to any person without charge.

## **PART 3**

### **Initiating an appeal**

#### **Notice of appeal**

**15.**—(1) An appeal must be made by way of a notice of appeal signed, dated and filed by the appellant.

(2) Subject to paragraph (3) a notice of appeal must be filed not later than 28 days after the date on which the appellant receives notification of the Regulator's decision.

(3) An appellant may request a direction under rule 3 (directions) to allow the appeal to be made later than the time limit under paragraph (2).

(4) The notice of appeal must state—

- (a) the name and address of the appellant;
  - (b) the name and address of the appellant’s representative (if any);
  - (c) an address for service;
  - (d) whether the notice of appeal concerns the bringing of an appeal under—
    - (i) the 1974 Act; or
    - (ii) the 2007 Regulations;
  - (e) the grounds upon which the appeal should be granted in the appellant’s favour; and
  - (f) the remedy sought by the appellant.
- (5) The appeal notice must be accompanied by a list of all of the documents the appellant relies on in support of the appeal.
- (6) In paragraph (4)(a), “address” in respect of—
- (a) a company means the address of the registered or principal office;
  - (b) a partnership means the address of the principal or last known place of business of the firm.
- (7) Where a representative, other than a legal representative, is named under paragraph (4)(b) and the appeal notice is signed by that representative on behalf of the appellant, a statement that the representative is authorised to act on the appellant’s behalf must be—
- (a) filed with the appeal notice; and
  - (b) signed by the appellant or where the appellant is not an individual, by an individual authorised by the appellant (not being the representative under paragraph (4)(b)).
- (8) Unless it is not possible, a copy of the decision being appealed must be filed with the notice of appeal.
- (9) The appellant may include a request for directions under rule 3 (directions) with the notice of appeal.
- (10) At the same time as filing the notice of appeal, the appellant must serve a copy of that notice and any accompanying documents, including any request for directions (unless rule 5(4) applies), on the Regulator.
- (11) The Tribunal must—
- (a) in accordance with rule 14 enter the particulars of the appeal in the register;
  - (b) inform the parties in writing that a notice of appeal has been received; and
  - (c) inform the parties in writing of any determination made in relation to a request for a direction.

**Regulator’s statement of case**

- 16.**—(1) The Regulator must file a statement of case in accordance with this rule.
- (2) The Regulator must file a statement of case no later than 28 days after the date on which the Regulator receives the information from the Tribunal in accordance with rule 15(11)(b).
- (3) The Regulator may request a direction under rule 3 (directions) to allow the statement of case to be filed later than the time limit under paragraph (2).
- (4) The statement of case must—
- (a) indicate whether the Regulator considers that the appeal should be allowed or refused and provide reasons;
  - (b) indicate whether the Regulator intends to take an active part in the proceedings;
  - (c) specify the name and address of the Regulator’s representative (if any);
  - (d) identify an address for service and an individual contact at that address;
  - (e) be signed by a person authorised by the Regulator.



- (5) The statement of case must be accompanied by—
- (a) a list of the documents relied on by the Regulator; and
  - (b) a copy of the Regulator’s decision if not filed by the appellant under rule 15(8) (notice of appeal).
- (6) The Regulator may include a request for directions with the statement of case.
- (7) At the same time as the Regulator files the statement of case, the Regulator must serve on an appellant a copy of the statement of case and any document accompanying the statement of case, including any request for directions (unless rule 5(4) applies).
- (8) The Tribunal must inform the parties in writing of any determination made in relation to a request for a direction.

## PART 4

### Hearings of appeals

#### **Fixing the time and place of the hearing of the appeal**

17.—(1) Unless the Tribunal otherwise directs, the Tribunal must give the parties not less than 28 days notice of the time and place of the hearing of the appeal.

(2) Before fixing the time and place of a hearing under paragraph (1), the Tribunal must consider—

- (a) whether the appeal should be dealt with as a matter of urgency; and
- (b) the ability of the appellant, and any witness, to prepare for and attend a hearing which is to take place at short notice.

#### **Determination without oral hearing**

18. The Tribunal may determine an appeal or any particular issue without an oral hearing if—

- (a) the parties agree in writing; or
- (b) the issue concerns a request for directions.

#### **Withdrawal of appeal**

19.—(1) The appellant may withdraw the appeal—

- (a) without the Tribunal’s permission at any time before the hearing of the appeal, by filing a notice in writing to that effect; or
- (b) with the Tribunal’s permission at the hearing of the appeal.

(2) The Tribunal must dismiss any appeal that is withdrawn under paragraph (1)(a) or that is withdrawn with the Tribunal’s permission under paragraph (1)(b).

(3) The Regulator may state that it does not oppose the appeal or that it is withdrawing its opposition to it—

- (a) without the Tribunal’s permission at any time before the hearing of the appeal, by filing a notice to that effect; or
- (b) with the Tribunal’s permission at the hearing of the appeal.

(4) The Tribunal must allow the appeal where the Regulator states that it does not oppose it or that the Regulator is withdrawing its opposition to it under paragraph (3)(a) or that the Regulator is, with the Tribunal’s permission under paragraph (3)(b), not opposing it or is withdrawing its opposition to it.

(5) An appellant who withdraws an appeal must obtain the permission of the Tribunal to make another appeal against the same decision of the Regulator.

### **Public hearings and directions for private hearings**

**20.**—(1) In this rule, “hearing” means any oral hearing under these Rules except for a directions hearing that takes place without notice to the other party under rule 5(4) (disclosure).

(2) Subject to the following paragraphs of this rule, all hearings must be in public.

(3) The Tribunal may upon the request of a party or of the Tribunal’s own initiative direct that all or part of a hearing is to be in private if—

- (a) the Tribunal is satisfied that a hearing in private is necessary in the circumstances; and
- (b) it is in the interests of justice.

(4) Before making a direction under paragraph (3), the Tribunal must give a party or the parties as the case may be, an opportunity to make representations.

(5) Before giving a direction under paragraph (3) that all of a hearing should be in private, the Tribunal must consider whether it is only necessary that part of the hearing should be in private.

(6) Where a hearing is in private, the Tribunal may direct that any particular individual be—

- (a) excluded from that hearing; or
- (b) permitted to attend that hearing.

(7) Subject to any direction under paragraph (8), the Tribunal must allow for the public inspection of—

- (a) a daily list of all hearings; and
- (b) information about the time and place fixed for hearings.

(8) Where all or part of a hearing is held or is to be held in private, the Tribunal may direct that information about the whole or the relevant part of the proceedings (including information that might help to identify any person) must not be made public.

(9) Where a direction is given under paragraph (8), the Tribunal must state what information is to be withheld or removed from the register.

### **Representation at hearings**

**21.**—(1) Subject to paragraph (2), the parties may appear at a hearing and may be assisted or represented by any person, whether or not that person is a legal representative.

(2) If the Tribunal is satisfied that there are good and sufficient reasons for doing so, it may refuse to permit a person to assist or represent a party at a hearing.

### **Adjournment of hearing**

**22.** Where a hearing of an appeal is adjourned, the Tribunal must fix a new hearing date as soon as is practicable to do so.

### **Procedure at hearings**

**23.**—(1) Subject to these Rules, the Tribunal may regulate its own procedure.

(2) Subject to any directions by the Tribunal, the parties may—

- (a) give evidence;
- (b) present witness evidence;
- (c) make a request under rule 3 (directions) to present expert evidence;
- (d) question any witness; and
- (e) address the Tribunal on the evidence, and generally on the subject matter of the appeal.

(3) Evidence may be admitted by the Tribunal—

- (a) whether or not it would be admissible in a civil trial in the jurisdiction in which the appeal is being determined; or
- (b) whether or not it was available to either of the parties when the Regulator's decision was made.

(4) If the Tribunal considers it is in the interests of justice, the Tribunal may allow a party to amend a notice of appeal or a statement of case.

(5) The Tribunal may exclude from the whole or part of any hearing any person whose conduct, in the opinion of the Tribunal, is likely to disrupt the hearing.

#### **Failure to attend an appeal hearing**

**24.**—(1) If a party fails to attend or be represented at any hearing the Tribunal must adjourn the hearing unless paragraph (2) applies.

(2) The Tribunal may proceed with the hearing and reach a substantive decision if the Tribunal is satisfied that the party received notification of the hearing and no good reason has been given for the party's absence.

(3) Where a party can subsequently show sufficient reason for not attending or being represented at a hearing which the Tribunal proceeded in the party's absence, that party may request the Tribunal's permission to have the hearing re-opened.

#### **Restrictions on publication of decisions of the Tribunal**

**25.**—(1) The Tribunal must publish its decisions except where the Tribunal is satisfied, on the application of a party or of its own initiative, that it is necessary to impose restrictions on publication.

(2) Before imposing restrictions on publication under paragraph (1) the Tribunal must invite the parties to make representations.

(3) If the Tribunal decides that a restriction on publication is necessary the Tribunal may take any appropriate steps, including any one or more of the steps specified in paragraph (5).

(4) Any step taken under paragraph (3) must be taken with a view to ensuring the minimum restriction on publication that is consistent with the need for the restriction.

(5) The specified steps that may be taken by the Tribunal under paragraph (3) are—

- (a) anonymising the decision;
- (b) editing the text of the decision; and
- (c) declining to publish the whole or part of the decision.

#### **Notification of the Tribunal's decision**

**26.**—(1) The Tribunal must as soon as practicable—

- (a) whether there has been an oral hearing or not, serve notification of a decision and the reasons for reaching it on each of the parties to the appeal; and
- (b) subject to any steps taken under rules 20 (public or private hearing) or 25 (restrictions on publication) to restrict publication of a decision, enter into the register the decision and the reasons for reaching the decision.

(2) Every notification under paragraph (1)(a) must be accompanied by a notification of—

- (a) any relevant provision of the 1974 Act or the 2007 Regulations relating to appeals from the Tribunal; and
- (b) the time and the manner in which an application for permission to appeal may be made.

### **Review of the Tribunal's decision**

27.—(1) If the Tribunal is satisfied that a decision disposing of the appeal was wrongly made because of an administrative error by Tribunal staff, the Tribunal may at the request of a party or of the Tribunal's own initiative, review the decision.

(2) No review under paragraph (1) shall take place unless either—

- (a) the application for review is made not later than 14 days after the date that notification of the decision that is subject to review is received; or
- (b) the Tribunal notified the parties of its intention to review a decision not later than 14 days after the decision was made.

(3) When the Tribunal reviews a decision under paragraph (1) it may set aside that decision if the Tribunal considers that it is necessary in the interests of justice.

(4) The Tribunal must not set aside a decision under paragraph (3) without giving the parties an opportunity to make representations.

(5) If after completion of any review the Tribunal sets aside the decision, the Tribunal must—

- (a) substitute such decision as it thinks fit; or
- (b) order a re-hearing before either the same or a differently constituted Tribunal;
- (c) make such correction as may be necessary in the register; and
- (d) serve a copy of an entry so corrected under paragraph (c) on each party.

(6) The Tribunal must notify the parties in writing of the Tribunal's decision following a review under this rule.

## **PART 5**

### **Appeals from the Tribunal**

#### **Permission to appeal to the Court of Appeal or Court of Session**

28.—(1) A request to the Tribunal for permission to appeal to the Court of Appeal or to the Court of Session may be made by the applicant—

- (a) orally at the hearing immediately following the announcement of the decision by the Tribunal; or
- (b) by way of a request filed not later than 14 days after the date on which the notification of the decision is received by the person seeking permission; or
- (c) by way of a request filed not later than 14 days after the date on which the notification under rule 27(6) (review) is received by the person making the application.

(2) When a request for permission is made under paragraph (1)(b) or (c), it must be signed by the applicant and must—

- (a) state the name and address of the applicant and any representative of the applicant;
- (b) identify the decision of the Tribunal to which the request relates; and
- (c) state the grounds on which the applicant intends to rely before the Court of Appeal or the Court of Session.

#### **Decision as to permission to appeal to the Court of Appeal or the Court of Session**

29.—(1) A request for permission to appeal to the Court of Appeal or to the Court of Session under rule 28(1)(b) or (c) (permission to appeal) must be decided without an oral hearing unless the Tribunal considers that special circumstances make a hearing desirable.

(2) The decision of the Tribunal following a request for permission to appeal to the Court of Appeal or to the Court of Session, together with the reasons for the decision, must be recorded in writing.

(3) The Tribunal must serve the written record in paragraph (2) on the applicant and each of the other parties.

(4) If the Tribunal refuses the request, the notification under paragraph (3) must include notification of the time within which a request may be made to the Court of Appeal or the Court of Session for permission to appeal to that court.

### **Appeal remitted by the Court of Appeal or the Court of Session for rehearing**

**30.** Where the Court of Appeal or the Court of Session remits an appeal to the Tribunal—

- (a) these Rules, so far as relevant and subject to any direction that the court may give when remitting the matter, apply to the remitted case as they did to the original hearing of the appeal; and
- (b) the Tribunal must, within 28 days of the remittal, give directions in relation to the case.

Signed on the authority of the Lord Chancellor

10th March 2008

*Bridget Prentice*  
Parliamentary Under Secretary of State  
Ministry of Justice

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

The Consumer Credit Appeals Tribunal Rules regulate the practice and procedure to be followed when appeals are made to the Consumer Credit Appeals Tribunal established by section 40A of the Consumer Credit Act 1974. Appeals to the Tribunal are against decisions of the Office of Fair Trading under section 41 of the 1974 Act or under section 44(2)(c) of the Money Laundering Regulations 2007.

Part 1 of the Rules contains provisions about commencement and interpretation.

Part 2 of the Rules sets out the general powers of the Tribunal, for example to make such directions as are necessary for the effective conduct of the proceedings and to strike out a party's case.

Part 3 of the Rules provides for the procedure to be followed by the parties when an appeal is initiated. It contains rule 15 (notice of appeal) and rule 16 (regulator's statement of case). Rule 15 sets out what an appellant's notice of appeal should contain and the documents that should accompany it. Likewise the Regulator's statement of case in rule 16. Both documents must be sent, with any accompanying material, to the Tribunal and to the other party.

Part 4 of the Rules contains provisions that are necessary to ensure the proper conduct of the appeal hearing. This Part contains rules such as when there does not need to be an oral hearing, when a hearing should be held in private and the procedure to be followed when a party fails to attend a hearing. This Part also contains rules about the publication and notification of the Tribunal's decision.

Part 5 of the Rules makes provision for bringing an appeal from the Tribunal's decision to the Court of Appeal in England, Wales or Northern Ireland or the Court of Session in Scotland. It also contains rule 30 which applies these Rules to a case that is remitted back to the Tribunal by the Court of Appeal or the Court of Session.

An initial assessment was completed and did not indicate that the proposals were likely to lead to additional costs or savings for business, charities or the voluntary sector. As such an Impact Assessment was not prepared.

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STATUTORY INSTRUMENTS

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**TRIBUNALS AND INQUIRIES**

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