
STATUTORY INSTRUMENTS

2011 No. 2346

**The Solicitors Disciplinary Tribunal
(Appeals and Amendment) Rules 2011**

PART 4

Miscellaneous

Sending and delivery of documents

26.—(1) Any document to be sent or delivered to the Tribunal or to a party under these Rules, a practice direction or a direction given under these Rules must be—

- (a) sent by pre-paid first class post or by document exchange, or delivered by hand, to the address specified for the proceedings;
- (b) sent by fax (in the case of documents to be sent or delivered to the Tribunal, to the number specified for the proceedings); or
- (c) sent or delivered by such other method as the Tribunal may permit or direct.

(2) Subject to paragraph (3), if a party provides a fax number, email address or other details for the electronic transmission of documents to them, that party must accept delivery of documents by that method.

(3) If a party informs the Tribunal and all other parties that a particular form of communication, other than pre-paid post or delivery by hand, should not be used to send or deliver documents to that party, that form of communication must not be so used.

(4) If the Tribunal or a party sends a document to a party or the Tribunal by email or any other electronic means of communication, the recipient may request that the sender send or deliver a hard copy of the document to the recipient. The recipient must make such a request as soon as reasonably practicable after receiving the document electronically.

(5) The Tribunal and each party may assume that the address provided by a party or its representative is and remains the address to which documents should be sent or delivered until receiving written notification to the contrary.

(6) If a document submitted to the Tribunal is not written in English, it must be accompanied by an English translation.

Calculating time

27.—(1) An act required by these Rules, a practice direction or a direction given under these Rules to be done on or by a particular day must be done by 5pm on that day.

(2) If the time specified by these Rules, a practice direction or a direction given under these Rules for doing any act ends on a day other than a working day, the act is done in time if it is done on the next working day.

(3) In this rule “working day” means any day except a Saturday or Sunday, Christmas Day, Good Friday or a bank holiday under section 1 of the Banking and Financial Dealings Act 1971(1).

Representatives

28.—(1) A party may appoint a representative (whether a legal representative or not) to represent that party in the proceedings.

(2) If a party appoints a representative, that party (or the representative if the representative is a legal representative) must send or deliver to the Tribunal written notice of the representative’s name and address, together with a copy of the notice.

(3) A party who sends or delivers a notice under paragraph (2) must, at the same time, send or deliver a copy of the notice to the other party.

(4) Anything permitted or required to be done by a party under these Rules, a practice direction or a direction given under these Rules may be done by the representative of that party, except signing a witness statement.

(5) A person who receives due notice of the appointment of a representative—

(a) must send or deliver to the representative any document which, at any time after the appointment, is required to be sent or delivered to the represented party, and need not send or deliver that document to the represented party; and

(b) may assume that the representative is and remains authorised as such until they receive written notification that this is not so from the representative or the represented party.

(6) At a hearing a party may be accompanied by another person whose name and address has not been notified under paragraph (2) but who, with the permission of the Tribunal, may act as a representative or otherwise assist in presenting the party’s case at the hearing.

(7) Paragraphs (2) to (5) do not apply to a person who accompanies a party under paragraph (6).

(8) In this rule “legal representative” means a person who, for the purposes of the 2007 Act, is an authorised person in relation to an activity which constitutes the exercise of a right of audience or the conduct of litigation within the meaning of that Act, an advocate or solicitor in Scotland or a barrister or solicitor in Northern Ireland.

Costs

29.—(1) The Tribunal may, at any stage of an appeal, make such order as to costs as the Tribunal shall think fit, including an order—

(a) disallowing costs incurred unnecessarily; or

(b) that costs be paid by any party judged to be responsible for wasted or unnecessary costs, whether arising through failure to comply with time limits or otherwise.

(2) The Tribunal may order that any party bear the whole or a part or a proportion of the costs.

(3) The amount of costs to be paid may either be fixed by the Tribunal or be subject to detailed assessment by a Costs Judge.

(4) The Tribunal may also make an order as to costs under this rule where any appeal is withdrawn or amended.

Amendment of 2007 rules

30.—(1) The 2007 rules are amended as follows.

(1) 1971 c. 80.

(2) In Form 6 in the Schedule, for “21 days” substitute “9 days”.