
STATUTORY INSTRUMENTS

2008 No. 668

The Consumer Credit Appeals Tribunal Rules 2008

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(2) The Tribunal must dismiss any appeal that is withdrawn under paragraph (1)(a) or that is withdrawn with the Tribunal's permission under paragraph (1)(b).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