

## Chapter I

### Model Rules Concerning the Conduct of Appeals

## Part III

### Response to the Appeal

#### **Acknowledgement and notification**

9.—(1) On receiving the notice of appeal and any additional material, the Registrar must in each case without delay—

- (a) send an acknowledgement of its receipt to the appellant; and
  - (b) send a copy of it to the Authority.
- (2) This rule is subject to rule 10.

#### **Costs warning**

10.—(1) Where a notice of an appeal has been received by the Registrar, and at the end of the period within which the appellant is required to send the additional material under rule 5, the Registrar is of the opinion—

- (a) that it is so unlikely that the appeal will succeed on the basis of the notice and any additional material supplied that to proceed with it would be unfair to the Authority; or
- (b) that the notice and any additional material supplied reveal no valid grounds of appeal, or that the notice is otherwise misconceived,

he may, before sending the additional material to the Authority, serve a notice to that effect on the appellant.

(2) A notice under this rule must state the Registrar's reasons for his opinion and inform the appellant—

- (a) that the appeal will not proceed unless the appellant informs the Registrar in writing within fourteen days of the date of the notice that he wishes it to proceed; and
- (b) that if he makes such a statement, and the appeal is subsequently withdrawn or decided against him, he may be liable, subject to the limitations imposed by rule 32, to pay the costs incurred by the Authority in connection with the appeal.

(3) Where a notice is given under this rule in relation to an appeal, unless the appellant informs the Registrar in writing before the end of the period of fourteen days starting with the date of the notice, that he wishes to proceed with the appeal—

- (a) no further proceedings shall be taken in relation to the appeal; and
- (b) at the end of the period, any interim order made or direction given under rule 15 immediately ceases to have effect.

#### **Incomplete appeals**

11.—(1) Where notice of an appeal and additional material have been received by the Registrar, and he considers that the appeal could be decided more fairly and efficiently if the appellant provided further additional material, the Registrar may serve on the appellant a notice to that effect, inviting him to supply that material to the Registrar within fourteen days of the date of the notice.

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(2) Where the Registrar serves a notice under paragraph (1), he must at the same time inform the Authority that he has done so.

(3) Where the Registrar has served a notice under paragraph (1) on the appellant, the time limit imposed by rule 12 shall not begin until the expiry of the period within which the further additional material may be supplied.

(4) The Registrar must without delay send to the Authority a copy of any material he receives under this rule.

### **Reply by the Authority**

12.—(1) The Authority must send to the Registrar the documents required under this rule and rule 13 (“the reply”) so that they are received not later than the end of the period of twenty eight days beginning with the first date on which it has received the copies of the notice of appeal and of the additional material.

(2) The reply must—

- (a) acknowledge that the Authority has received the notice of appeal and the additional material;
- (b) indicate whether the Authority seeks to uphold the disputed action; and
- (c) give the information required under paragraph (3).

(3) The following information is required under this paragraph—

- (a) the address of the Authority;
- (b) the name, address and profession of the person (if any) representing the Authority and whether the tribunal should send documents concerning the appeal to the representative rather than to the Authority;
- (c) if in the opinion of the Authority any other person has a direct interest in the subject matter of the appeal, the name and address of such other person.

(4) The Registrar may extend the time limit imposed by paragraph (1), but must not do so unless he is satisfied—

- (a) that the circumstances are such that it would not be reasonable to expect the Authority to comply with the time limit; and
- (b) that it is necessary to extend the time limit in order to avoid a significant risk of harm to any person.

(5) On receiving the reply, the Registrar must without delay send a copy to the appellant.

### **Further documents**

13. Where the Authority seeks to uphold the disputed action, it must send to the Registrar—

- (a) a statement summarising its answer to each ground of appeal supplied by the appellant;
- (b) two copies of every document on which it relies for the purposes of opposing the appeal;
- (c) where the appellant has not sent to the Registrar a copy of a notice giving the Authority’s reasons as mentioned in rule 5(2)(b), a statement explaining why it took the disputed action; and
- (d) a statement indicating whether or not the Authority requests an oral hearing.

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### **Withdrawal of opposition**

14. Where the Authority states in the reply or at any time in writing that it does not seek to uphold the disputed action, the tribunal must without delay allow the appeal.