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STATUTORY INSTRUMENTS

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**1998 No. 1203**

**The Consumer Credit Licensing (Appeals) Regulations 1998**

**PART II**

**MAKING AN APPEAL**

**Time for and manner of making an appeal**

**3.—**(1) An appellant aggrieved by a determination must, if he wishes to appeal against it, appeal by sending a notice of appeal to the Secretary of State so that it is received not later than the end of the period of twenty-eight days beginning with the date on which notice of the determination is given.

(2) The Secretary of State may extend the time limit imposed by paragraph (1), but must not do so unless she is satisfied—

- (a) that the circumstances are such that it would not be reasonable to expect the appellant to comply with the time limit, and
- (b) that not to extend the time limit could result in substantial injustice.

(3) Where the appellant considers that the period of twenty-eight days referred to in paragraph (1) is likely to expire, or where it has expired, before he is or was able to give his notice of appeal, he must, if he wishes the Secretary of State to extend the time limit imposed by paragraph(1), send to the Secretary of State a statement of the reasons on which he relies to justify the delay in giving notice and the Secretary of State must consider any such statement in deciding whether or not to extend the time limit.

**Notice of appeal**

**4.—**(1) The Director, on giving notice of a determination, must at the same time send to the person to whom it is addressed a form which may be used for making an appeal, but an appeal need not be made using such a form.

(2) The notice of appeal must state the name and address of the appellant and must contain sufficient information to identify the determination by which he is aggrieved.

(3) The notice of appeal must—

- (a) set out the grounds of appeal in sufficient detail to indicate—
  - (i) the particulars of any matter referred to in the Director's determination which the appellant disputes, together with the reasons why he disputes it;
  - (ii) the particulars of any other matter upon which the appellant relies for the purpose of his appeal against the Director's determination; and
- (b) indicate the name and address and the profession or occupation of the person (if any) representing the appellant, and whether the Secretary of State should send documents concerning the appeal to the representative instead of to the appellant.

(4) The appellant or his representative must sign the notice of appeal.

### **Additional material**

5.—(1) Within a period of twenty-one days beginning with the date on which he receives a copy of the notice of appeal from the Secretary of State the Director must send the material required by paragraphs (2) and (3) (the “additional material”) to the Secretary of State.

(2) The Director must send to the Secretary of State—

- (a) a copy of the determination by which the appellant is aggrieved, and
- (b) a copy of every other document on which the Director intends to rely for the purposes of opposing the appeal, including any document in which he sets out for the first time the particulars of any fact or reason for opposing the appeal, additional to those reasons that are detailed in the determination.

(3) Where the Secretary of State is satisfied that it would not be reasonable to expect the Director to send any document, or documents of any description, within the time limit mentioned in paragraph (1), she may extend the time limit in relation to that document or documents of that description.

### **Amendment of grounds of appeal and of additional material**

6.—(1) The appellant may, with the leave of the Secretary of State, at any time before he receives notice under regulation 12(2) (of the time and place of the oral hearing), add to or amend the grounds of appeal and the Director may, with the leave of the Secretary of State, at any time before he receives such notice, add to or amend the additional material sent to the Secretary of State in accordance, in the case of the grounds, with regulation 4 or, in the case of the additional material, with regulation 5(2) (b).

(2) An appellant seeking leave of the Secretary of State to add to or amend his grounds of appeal or the Director seeking leave to add to or amend additional material under paragraph (1) must send a copy of every amendment and any document necessary to explain or to support that amendment or addition to the Secretary of State.

(3) The Secretary of State must not grant leave under paragraph (1) unless—

- (a) she is satisfied that the amendment of, or addition to, the grounds or the new or amended additional material is capable of significantly affecting the outcome of the appeal; and
- (b) she has afforded the appellant or the Director, as appropriate, an opportunity to make representations to her in writing on the proposed amendment, or addition, or on the new or amended additional material.

(4) Where the Secretary of State grants leave under paragraph (1) she may do so on such terms as she thinks fit.

### **Withdrawal of appeal**

7.—(1) The appellant may at any time withdraw his appeal by notice to the Secretary of State.

(2) Where an appeal is withdrawn, a fresh appeal may not be brought in relation to the disputed determination.

### **Withdrawal of opposition to appeal**

8. Where the Director at any time gives notice to the Secretary of State in writing that he does not seek to oppose an appeal, the Secretary of State may give notice to the Director, that she proposes under section 41(3) of the Act to give the directions the appellant seeks in relation to the appeal.