
STATUTORY INSTRUMENTS

1998 No. 1203

The Consumer Credit Licensing (Appeals) Regulations 1998

PART VI

SUPPLEMENTARY AND REPEAL

Appointment of persons to hear appeals on behalf of the Secretary of State

24.—(1) There shall be a panel of persons, for England and Wales, for Scotland and for Northern Ireland, respectively, appointed by the Secretary of State to hear appeals on her behalf.

(2) Appointments shall be made to the panel for England and Wales, for Scotland and for Northern Ireland of persons who shall be—

- (a) in the case of England and Wales, persons having a seven year general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990⁽¹⁾, in the case of Scotland, solicitors or advocates of at least seven years standing, and in the case of Northern Ireland, persons having a seven year general qualification within the meaning of section 9 of the Magistrates Courts Act (Northern Ireland) 1964⁽²⁾, or
- (b) persons whom the Secretary of State considers, by reason of their experience or otherwise, to have special knowledge of matters likely to be relevant to appeals under the Act, or
- (c) persons whom the Secretary of State considers representative of the interests of persons in relation to whom the Director has power to make the determinations referred to in section 41 of the Act.

(3) A person appointed to a panel—

- (a) must be appointed (or re-appointed) for a period not exceeding five years, but
- (b) may be removed from office by the Secretary of State on the grounds of incapacity or misbehaviour;

and subject to that shall hold and vacate office in accordance with the terms of his appointment.

(4) On receiving notice of appeal under regulation 3 the Secretary of State must without delay appoint one or more panel members to hear the appeal and, where she appoints more than one, she shall determine who shall preside.

(5) The appointed person shall be appointed—

- (a) from the panel of persons appointed for England and Wales if the appellant's business premises are in England or Wales or, in the case of an appellant who does not have a licence, they would have been, if his application for a licence had been granted;
- (b) from the panel of persons appointed for Scotland if the appellant's business premises are in Scotland or, in the case of an appellant who does not have a licence, they would have been, if his application for a licence had been granted;

(1) 1990 c. 41.

(2) 1964 c. 21 (N.I.).

- (c) from the panel of persons appointed for Northern Ireland if the appellant's business premises are in Northern Ireland, or in the case of an appellant who does not have a licence, they would have been, if his application for a licence had been granted.
- (6) The Secretary of State may determine the fees and expenses to be paid to the appointed person.

Irregularities

25.—(1) Any irregularity resulting from failure to comply with any provision of these Regulations before the Secretary of State has reached her decision shall not of itself render the proceedings void.

(2) Where any such irregularity comes to the attention of the Secretary of State, she may, and must if she considers any person may have been prejudiced by the irregularity, give such directions as she thinks just, before reaching her decision, to cure or waive the irregularity.

(3) Clerical mistakes in any document recording a direction, or a decision of the Secretary of State or in an appointed person's report, or errors arising in such a document from an accidental slip or omission, may be corrected by the Secretary of State, but, in the case of a report, only with the permission of the appointed person who prepared it.

Time

26. Where the time prescribed by these Regulations for doing any act expires on a Sunday or public holiday, the act is in time if done on the next following day which is not a Sunday or public holiday.

Revocation

27. Subject to regulation 28, the Consumer Credit Licensing (Appeals) Regulations 1976(3) are hereby revoked.

Transitional provisions

28. Where, before the date on which these Regulations come into force, an appeal has been made in respect of which the Secretary of State has given no directions for its disposal, the Consumer Credit Licensing (Appeals) Regulations 1976 shall continue to apply to that appeal until the Secretary of State has given notice to the parties of her directions for disposing of the appeal under section 41(3) of the Act.