
STATUTORY INSTRUMENTS

2007 No. 1286

**The Proscribed Organisations Appeal
Commission (Procedure) Rules 2007**

PART 4

GENERAL PROVISIONS

Delegated powers

31.—(1) The powers of the Commission under the following rules may be exercised by the chairman or by any other member of the Commission who falls within paragraph 4(3)(b) of Schedule 3 to the 2000 Act—

- (a) rule 11 (directions hearing);
- (b) rule 17 (variation of grounds of appeal);
- (c) rule 20 (directions);
- (d) rule 30 (application for permission to appeal).

(2) Anything of an administrative nature which is required or permitted to be done by the Commission under these Rules may be done by a member of the Commission's staff.

Filing and service of documents

32.—(1) Any document required or permitted by these Rules or by a direction of the Commission to be filed with the Commission or served on any person may be—

- (a) delivered or sent by post to a postal address;
- (b) sent by fax to a fax number;
- (c) sent by e-mail to an e-mail address; or
- (d) sent through a document exchange to a document exchange number or address,

specified for that purpose by the Commission or by the person to whom the document is directed.

(2) A document to be served on an individual may be served personally by leaving it with that individual.

(3) Subject to paragraph (4), where any document is served on a person who has notified the Commission that he is acting as the representative of a party, it will be deemed to have been served on that party.

(4) Paragraph (3) does not apply where the Commission directs that a document is to be served on both a party and his representative.

(5) Any document which is served on a person in accordance with this rule will, unless the contrary is proved, be deemed to be served—

- (a) where the document is sent by post or through a document exchange, from and to a place within the United Kingdom, on the second day after it was sent;

- (b) where the document is sent by post, from or to a place outside the United Kingdom, on the 28th day after it was sent;
- (c) in any other case, on the day on which the document was sent or delivered to, or left with, that person.

(6) Any document which is filed with the Commission will be treated as being filed on the day on which it is received by the Commission.

Representation

33.—(1) Where the appellant is not the organisation, he may act in person or be represented by—

- (a) a person having a qualification referred to in paragraph 7(3) of Schedule 3 to the 2000 Act; or
- (b) with the permission of the Commission, any other person.

(2) Where the appellant is the organisation, the designated person may act in person or be represented by a person described in paragraph (1)(a).

(3) The Secretary of State may be represented by any person authorised by him to act on his behalf.

Address for service

34.—(1) Every party, any representative of a party and any special advocate, must notify the Commission of a postal address at which documents may be served on him, and of any changes to that address.

(2) Until a party, representative or special advocate notifies the Commission of a change of address, any document served on him at the most recent postal address he has given to the Commission will be deemed to have been properly served on him.

Calculation of time

35.—(1) Where a period of time for doing any act is specified by these Rules or by a direction of the Commission, that period is to be calculated—

- (a) excluding the day on which the period begins; and
- (b) where the period is 10 days or fewer, excluding any day which is not a business day.

(2) Where the time specified by these Rules or by a direction of the Commission for doing any act ends on a day which is not a business day, that act is done in time if it is done on the next business day.

(3) In this rule, “business day” means any day other than a Saturday or Sunday, a bank holiday, Christmas Day, 27th to 31st December or Good Friday.

Signature of documents

36. Any requirement in these Rules for a document to be signed shall be satisfied, in the case of a document which is filed or served by e-mail in accordance with these Rules, by the person who is required to sign the document typing his name in it or producing it by computer or other mechanical means.

Errors of procedure

37. Where in any proceedings, before they have been determined by the Commission, there has been an error of procedure such as a failure to comply with a rule—

- (a) the error does not invalidate any step taken in the proceedings unless the Commission so directs; and
- (b) the Commission may give a direction or take any other step that it considers appropriate to remedy the error.

Correction of directions and determinations

38.—(1) The Commission may at any time amend a direction or determination to correct a clerical error or omission.

(2) Subject to rule 29(1)(b) and (2), where a direction or determination is amended under paragraph (1), the Commission must serve the amended direction or determination on every person on whom the original direction or determination was served.

(3) Where a determination is amended under paragraph (1), the time within which a party may apply for permission to appeal against the determination runs from the day on which the party is served with the amended determination.