

[^{F1}SCHEDULE A1

Rule 23

Procedure in Quality Contracts Scheme cases

Textual Amendments

F1 Sch. A1 inserted (21.8.2015) by The Tribunal Procedure (Amendment) Rules 2015 (S.I. 2015/1510), rules 1, 7

1. This Schedule applies to quality contracts scheme cases.

Notice of appeal

2. The appellant must send or deliver to the Upper Tribunal the notice of appeal together with the following materials —

- (a) a copy of the notice of the decision being challenged;
- (b) a copy of any separate written statement of reasons;
- (c) copies of the most significant documents (or relevant extracts) on which the appellant relies in support of the grounds stated in its notice of appeal, including—
 - (i) the quality contracts scheme (or relevant extracts); and
 - (ii) any report of the QCS Board (or relevant extracts); and
- (d) a list of the materials referred to in sub-paragraphs (a) to (c) and where such materials may be accessed (e.g. link to internet webpage).

3. The appellant must, at the same time as sending its notice of appeal to the Upper Tribunal in accordance with paragraph 2, send a copy of the notice of appeal and of the additional materials to the respondent.

4. The Upper Tribunal must send a copy of the notice of appeal and a copy of the list referred to in paragraph 2(d) to the appropriate national authority.

5. The Upper Tribunal may, upon receipt of the notice of appeal, direct the respondent to—

- (a) give notice in at least one newspaper circulating in the area to which the scheme relates that a notice of appeal has been received;
- (b) give written notice to the persons consulted under section 125(3) (notice and consultation requirements) of the Transport Act 2000 and (if the case may be) those not consulted under section 125(3) but who in the opinion of the QCS Board, under section 126D(1) (b) (consideration of proposed schemes by boards) of that Act, ought to have been so consulted, that a notice of appeal has been received;
- (c) make arrangements for a place or website where copies of the notice of appeal and any response or reply and in each case their accompanying documents may be inspected;
- (d) ensure that each notice provided for in sub-paragraphs (a) and (b) states—
 - (i) where copies of the notice of appeal and other documents relating to the proceedings may be inspected; and
 - (ii) where information about the procedure for applying to be added as a party may be found.

Status: Point in time view as at 21/08/2015.

Changes to legislation: The Tribunal Procedure (Upper Tribunal) Rules 2008, SCHEDULE A1 is up to date with all changes known to be in force on or before 23 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Response to the notice of appeal

6. A respondent must send or deliver to the Upper Tribunal its response to the notice of appeal together with the following materials —

- (a) a copy of the most significant documents (or relevant extracts) on which the respondent relies in support of the response;
- (b) a list of those documents.

7. The respondent must, at the same time as providing its response to the Upper Tribunal in accordance with paragraph 6, provide copies of that response and of those materials to—

- (a) the appellant; and
- (b) the appropriate national authority.

8. Any directions given by the Upper Tribunal to the respondent under paragraph 5 are also to be regarded as directions to the respondent to make available for inspection copies of its response and accompanying materials.

Appellant's reply

9. The appellant must send or deliver to the Upper Tribunal its reply (if any) to a response under paragraph 6 together with the following materials—

- (a) a copy of any additional documents (or relevant extracts) relied on in support of the reply;
- (b) a list of those documents.

10. The appellant must, at the same time as providing its reply to the Upper Tribunal in accordance with paragraph 9, provide a copy of that reply and of those materials to the respondent.

11. The Upper Tribunal must send a copy of the appellant's reply and a copy of the list of documents referred to in paragraph 9(b) to the appropriate national authority.

12. Any directions given by the Upper Tribunal to the respondent under paragraph 5 are also to be regarded as directions to the respondent to make available for inspection copies of the appellant's reply and accompanying materials.

Adding further parties

13. Any person who wishes to be added as a party to the proceedings, and has given notice to the respondent that they received the notice of the appeal in consequence of a direction made under paragraph 5, must apply to the Upper Tribunal in accordance with rule 9 within 1 month of the date on which they received notice of the appeal.

14. Any application to be added as a party must state—

- (a) the name and address of the person making the application;
- (b) the name and address of the representative (if any) of that person;
- (c) an address where documents for that person may be sent or delivered;
- (d) whether or not copies of the notice of appeal, any response and any reply has been inspected, along with their accompanying documents;
- (e) whether the person making the application supports or opposes the appeal; and
- (f) the grounds relied upon for adding the person as a party.

15. The person making the application must provide the following materials with the application—

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- (a) a copy of the most significant documents (or relevant extracts) on which the person relies in support of the application, if not already listed by a party; and
- (b) a list of the documents referred to in sub-paragraph (a).

16. The Upper Tribunal must notify the parties of any application to be joined as a party and send a copy of the list of documents with the notification.

17. The Upper Tribunal may give further directions relating to any application to be added as a party and generally as to the conduct of the case.]

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