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STATUTORY INSTRUMENTS

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**2009 No. 3070**

The Ministry of Defence Police  
Appeals Tribunals Regulations 2009

**Review of appeal**

**11.**—(1) Upon receipt of the documents mentioned in regulation 9(4) and (8), the chair shall determine whether the appeal should be dismissed under paragraph (2).

(2) An appeal shall be dismissed under this paragraph if the chair considers that—

- (a) the appeal has no real prospect of success; and
- (b) there is no other compelling reason why the appeal should proceed.

(3) If the chair considers that the appeal should be dismissed under paragraph (2), before making the determination, the chair shall give the appellant and the respondent notice in writing of the chair's view together with the reasons for that view.

(4) The appellant and the respondent may make written representations in response to the chair before the end of 10 working days beginning with the first working day after the day of receipt of such notification; and the chair shall consider any such representations before making the determination.

(5) The chair shall give the appellant, the respondent and the head of HR notice in writing of the determination.

(6) Where the chair determines that the appeal should be dismissed under paragraph (2)—

- (a) the notice under paragraph (5) shall include the reasons for the determination; and
- (b) the appeal shall be dismissed.