
STATUTORY INSTRUMENTS

1997 No. 798

The Reserve Forces Appeal Tribunals Rules 1997

PART II

MAKING AN APPEAL TO THE TRIBUNAL AND REPLY BY THE AUTHORITY

(C)

THE AUTHORITY

Action by the Authority on receipt of a notice of appeal

8.—(1) The Authority shall on receiving a copy of the notice of appeal prepare a written reply acknowledging the notice of appeal and stating—

- (a) whether or not the Authority intends to oppose the appeal and the grounds on which it relies in opposing the appeal;
- (b) the name and address of the representative (if any) of the Authority and whether such address is the address of the Authority for the purposes of the appeal;
- (c) whether the Authority wishes to attend or be represented at the hearing;
- (d) the name and address of any witness whom the Authority wishes to give evidence to the Tribunal.

(2) The Authority shall include with its reply—

- (a) a statement summarising the facts relating to the disputed determination and, if they are not part of that determination, the reasons for that determination;
- (b) a copy of every document considered by the Authority in making the disputed determination except those which the Secretary has notified the Authority as having already been submitted by the applicant.

(3) The reply shall be signed by an officer of the Authority and shall be sent or delivered to the office of the Secretary so that it is received there not later than 5 days after the date on which the copy of the notice of appeal was received by the Authority from the Secretary.

(4) The Authority may include in its reply, or in a separate notice to the Tribunal, a request for further particulars of the appeal.

Application for extension of time for delivery of reply

9. Notwithstanding rule 8(3) above, where the Authority considers it likely that, by reason of exceptional circumstances, its reply will be received at the office of the Secretary later than 5 days after the date on which it received a copy of the notice of appeal it may include with its reply a statement of the reasons on which it relies for justifying the delay, and the Tribunal shall treat any such statement as a request for extending the time limit under rule 30(2)(a) below.

Amendment of reply or supplementary statement by the Authority

10.—(1) The Authority may at any time before it is notified of the hearing date amend its reply or deliver a supplementary statement by way of reply.

(2) The Authority may amend any reply or supplementary statement with the leave of the Tribunal at any time after it has been notified of the hearing date, or at a hearing at which it is present or represented. The Tribunal may grant such leave on such terms as it thinks fit, including under rule 28(1) below the payment of costs or, if the Tribunal is sitting in Scotland, expenses.

(3) The Authority shall send a copy of every amendment and supplementary statement to the Secretary.

Failure to reply or absence of opposition

11. The Tribunal may, if it thinks fit, determine the appeal under rule 21 below if—

- (a) no reply is received by the Secretary within the time appointed by rule 8 above or any extension of time allowed by the Tribunal; or
- (b) the Authority states in writing that it does not resist the appeal, or withdraws its opposition to the appeal.