



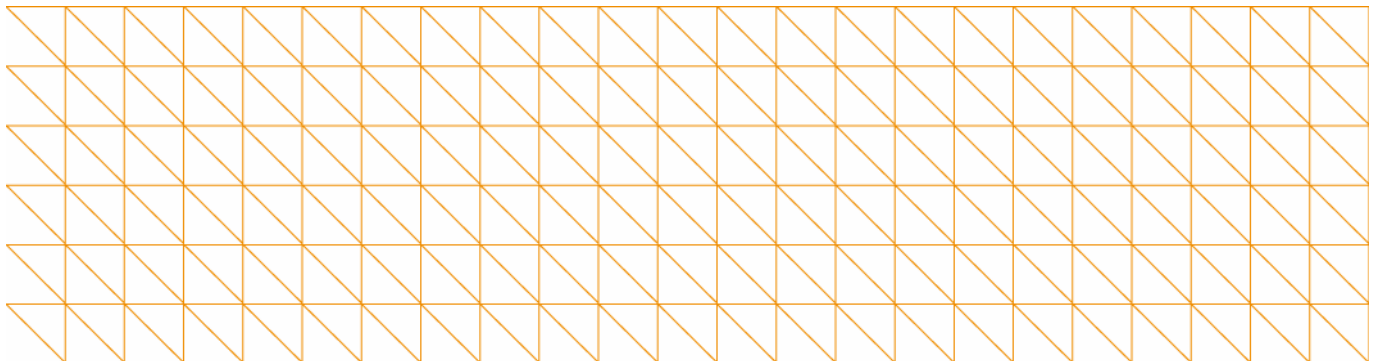
Ministry of
JUSTICE

The Draft Consumer Credit Appeals Tribunal Rules 2008

Response to Consultation

CP(R) CP(R) 28/07

June 2008





Ministry of
JUSTICE

The Draft Consumer Credit Appeals Tribunal Rules 2008

Response to consultation carried out by the Ministry of Justice.

**This information is also available on the Ministry of Justice website:
www.justice.gov.uk**

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Introduction

The Consumer Credit Act 1974 provides a licensing regime, administered by the Office of Fair Trading (OFT), for traders in the consumer credit business or consumer hire business. Those wishing to conduct regulated business are required to be licensed by the OFT. The OFT grants consumer credit licences to those it considers to be fit to hold one, on the basis of criteria set out in the Consumer Credit Act 1974.

The Consumer Credit Appeals Tribunal (CCAT) hears appeals arising from licensing decisions of the OFT, including decisions to suspend or revoke a consumer credit licence. The individual, firm or company to whom a decision notice is directed has the right to appeal the matter to the CCAT.

The CCAT is an independent judicial body established under the Consumer Credit Act 1974, as amended by the Consumer Credit Act 2006. The CCAT is part of the Tribunals Service, an executive agency of the Ministry of Justice for which the Lord Chancellor has overall responsibility. The CCAT was formally established within the Tribunals Service on 6 April 2008. A copy of the press notice that accompanied the CCAT's creation can be found at Annex A.

The CCAT has a President, who is the judicial head; other judicial members known as Chairmen, who must be legally qualified; lay members who are suitably qualified by experience or otherwise to deal with appeals of the kind that may be made to the CCAT; and a Secretary who is responsible for administration.

The CCAT's premises are based in London. Hearings can take place there, but the CCAT can sit anywhere in the United Kingdom and will do so in appropriate cases.

Background and contact details

The practice and procedure of the CCAT in relation to appeals is regulated by the Consumer Credit Appeals Tribunal Rules 2008.

A consultation paper, *The Draft Consumer Credit Appeals Tribunal Rules 2008* was published on 5 November 2007. The paper invited comments on draft rules of procedure for the CCAT to operate under. The paper was aimed at stakeholders and those with the relevant knowledge and experience to be able to comment on the proposals that it set out.

This paper is the post-consultation document for the draft Consumer Credit Appeals Tribunal Rules 2008. It covers:

- Background to the creation of the draft rules;
- A summary of the responses to the consultation paper
- Conclusion.

In compliance with Section 8 of the Tribunals and Inquiries Act 1992 the Administrative Justice & Tribunals Council was consulted in respect of the draft rules. The consultation was also conducted in line with the Code of Practice on Consultation issued by the Cabinet Office and fell within the scope of the Code. The consultation criteria (set out at page 23 of this document) were followed.

An initial assessment was completed and did not indicate that the proposals were likely to lead to additional costs or savings for businesses, charities or the voluntary sector, or the public sector. Consequently, the consultation paper did not contain an Impact Assessment.

Further copies of this consultation paper can be obtained by contacting Howard Ripley via the following address:

E-mail: CCATconsultation@tribunals.gsi.gov.uk

This information is also available on the Ministry of Justice and the Tribunals Service websites:

www.justice.gov.uk / www.tribunals.gov.uk

Other matters of interest

The Tribunal also hears appeals from decisions of the OFT under the Money Laundering Regulations 2007.

Appeals in respect of licensing decisions made by the OFT prior to 6th April 2008 will be to the Secretary of State for Business, Enterprise and Regulatory Reform¹.

¹ There is a transitional procedure in Schedule 3 of the Consumer Credit Act 2006 which sets out that appeals against determinations of the OFT, made before the commencement of the CCAT, will continue to be appealed to the Secretary of State Department for Business, Enterprise and Regulatory Reform (heard by the existing Consumer Credit Appeals Panel) until ultimately disposed of. All new appeals go to the CCAT.

Summary of responses

The draft CCAT rules had incorporated comments from the judiciary of the Consumer Credit Appeals Panel (who now sit as the CCAT). The Regulator, the OFT, had likewise been invited to contribute at this pre-consultation stage.

The draft CCAT rules were subject to a twelve-week public consultation that ran from 5 November 2007 until 27 January 2008. In total, seven responses were received (a list of respondents is at Annex B) and the draft rules were broadly welcomed. The final version of the Rules was shared with the OFT, the Chairmen of the Consumer Credit Appeals Panel and the secretariat under whose administration the CCAT currently sits.

The following section summarises the consultation responses we received on the draft rules. Where appropriate, we explain how we adapted or amended certain draft rules as a result of consultees' comments.

Consultation on the Draft Consumer Credit Appeals Tribunal Rules 2008

Draft rule 3

Notice of Appeal

The CCAT hears appeals arising from adverse licensing decisions of the OFT Trading under the Consumer Credit Act 1974, including decisions to suspend or revoke a consumer credit licence and also certain decisions of the OFT under the Money Laundering Regulations 2007. Both the OFT and the Appellant (the person bringing an appeal) have the opportunity to present their case before the CCAT. Cases are begun by the Appellant or their authorised representative completing and sending a notice of appeal to the CCAT.

This draft rule sought to establish consistency in the form and content of a notice of appeal application. It set out that an Appellant dissatisfied with a determination of the OFT could make an appeal to the Tribunal by submitting a notice of appeal.

Draft rule 3(2)

One consultee commented that the former rules of procedure² obliged the OFT to provide an Appellant with a notice of appeal form when giving notice of a determination. They commented that there was no indication in the draft rules of any specific form to be used. They thought it would plainly assist applicants (in particular those who were not represented) for the existing requirement to be preserved, or for a suitable form to be available from an accessible source.

² The Consumer Credit Licensing (Appeals) Regulations 1998 - which the Consumer Credit Appeals Panel operated under.

In practice, the notice of appeal form will be sent out by the OFT along with its determination. However, the form is also available to download from the CCAT's website (www.consumercreditappeals.tribunals.gov.uk). We would, therefore, expect a notice of appeal to be made via this form. However, to provide flexibility for the Appellant, the rule³ was drafted in such a way that, for example, a notice of appeal could take the form of a letter (so as long as it contained the relevant information asked for in the rules).

Draft rule 3(3)(e)

In their consultation response the OFT suggested that the Appellant should be obliged to set out why they thought their appeal should be allowed rather than why they thought the Regulator's decision was wrong. The OFT felt that this would help the Appellant to focus on setting out their grounds of appeal rather than concentrating on the substantive issue of the Regulator's decision.

We thought that this suggestion had value as it could help the Appellant to focus on the merits of their own case rather than on the potential weaknesses of the OFT's case. We incorporated this suggestion into the final rule⁴.

Draft rule 3(8)

This draft sub-rule set out that the notice of appeal must be sent and subsequently received by the Tribunal within 28 days of the Appellant receiving the OFT's decision. Under the rule an Appellant could apply to the Tribunal to extend the time limit for bringing an appeal.

Several consultees were concerned that this draft rule (and also draft rule 5(6) which dealt with time limits) only permitted an application for an extension *after* the initial deadline had expired. One respondent gave the example that in a revocation case the trader's licence would be ceased as soon as the appeal period had expired and so the rule would be inappropriate.

³ Now rule 15 – Notice of appeal - of the CCAT Rules 2008

⁴ Rule 15(4)(e) – Notice of appeal - of the CCAT Rules 2008

We acknowledged these concerns in the final Rules. An extension can now be made within or, with the permission of the Tribunal, outside of, the 28 day appeal period⁵. This allows an application to be brought as appropriate to the type of appeal in question.

Draft rule 4

Regulator's Statement of Case

This draft rule explained the action that would need to be taken by the OFT upon its receipt of the Appellant's notice of appeal.

Draft rule 4(1)

One consultee set out that:

'The intention as set out in s41(1C) of the 2006 Act is that the appeal to the Tribunal is to be by way of a rehearing of the determination appealed against. We do not think that it is an appropriate burden for the Regulator to have to file a statement of case in support of its decision, but rather to file a statement of its view on whether the appeal should be allowed or refused.'

The Office of Fair Trading

We acknowledged this point and altered the corresponding rule⁶ in the final Rules to only require the Regulator to set out why the appeal should be allowed or disallowed. In this way the Regulator is only obliged to state that it has made a decision and then state why it made that decision. Rather than, as the draft had originally intended, asking the Regulator to justify the merits of its decision. As the rule is now written it follows that it is the Tribunal's task to explore the merits of the case based on the evidence it receives. To

⁵ Rule 15(2) & (3) – Notice of appeal – and rule 16(2) & (3) – Regulator's statement of case - of the CCAT Rules 2008

⁶ Rule 16 - Regulator's statement of case - of the CCAT Rules 2008

accommodate this, the final rule allows the Tribunal to know at the outset whether the Regulator opposes an appeal or not. The rule also contains a requirement for the Regulator to state whether or not it intends to take an active part in the appeal. This is because we recognise, in practicality, that it may not be necessary for the Regulator to do anything more than submit the statement of case and accompanying information to the Tribunal, rather than taking a fuller part in the proceedings as an active litigant.

Draft rule 4(4)(a)(ii)

In their response the OFT suggested that this draft rule was inappropriate as it would not usually have any documents in its possession other than those on which it had based its decision.

To reflect this concern we removed this sub-rule. Therefore, under the final rule, the Regulator need only provide those documents it relies on in support of its case. In practice, if the Tribunal or Appellant wanted any further information then the rule on disclosure of documents could be relied upon⁷.

Draft rule 5

Appellant's reply

The purpose of this draft rule was to explain the action that would need to be taken by the Appellant, or their nominated representative, upon receipt of the statement of case.

In its response the OFT set out that the requirement in this draft rule may add unnecessary burden and time to the appeal process.

'The majority of licensed traders are small businesses or sole traders and they already sometimes find the current rigors of lodging an appeal very onerous, costly, and difficult to cope with.'

The Office of Fair Trading

One of the early policy intentions of this draft rule had been to assist an Appellant to focus on whether or not their appeal would be successful. However, we recognise the OFT's concerns. We are confident that the changes we made to the requirements for the appeal notice⁸ met the primary objective of this rule, that is asking the Appellant to state why they feel their appeal should be allowed, and so removed this draft rule in its entirety.

Draft rule 6

Secondary disclosure by the Regulator

The purpose of this rule was to require the Regulator to submit to the Tribunal any further material that might assist the Appellant's case; this material was intended to exclude any document included in the Regulator's statement of case.

In their response, the OFT set out that:

'We are unclear as to the purpose and the usefulness of this rule and the burden of a positive obligation to disclose which it imposes on the OFT. This will add a significant distractive burden and we are unlikely to have any further information at this stage which may be useful.'

The Office of Fair Trading

For the same reasons set out under draft rule 4(4)(a)(ii) we took the decision to delete this rule in its entirety. To acknowledge this change we added a requirement to rule 16⁹ for the Regulator to set out whether or not it intended to take an active part in proceedings.

⁷ Rule 5 – Disclosure and inspection of documents - of the CCAT Rules 2008

⁸ Rule 15 – Notice of appeal - of the CCAT Rules 2008

⁹ Rule 16 – Regulator's statement of case - of CCAT Rules 2008

Draft rule 8

Provision of copy documents

The purpose of this draft rule was to provide that documents were open to inspection and copying unless the Tribunal directed otherwise.

One consultee set out that:

‘The parties are required to provide disclosure under Rules 4(4)(a), 5(3) and 6(1), which are uncontroversial. However, Rule 8 appears to envisage that the CCAT can order disclosure outside those provisions – it states ‘A party who has filed a list under rule 4(4)(a), 5(3) and 6(1) or otherwise been directed by the Tribunal to disclose a document...’ (emphasis added). If that interpretation is correct, it would be open to the parties to apply to the CCAT for an order for disclosure under Rule 9. It might be thought that Rule 7(1) provides a safeguard, since it provides that a party cannot be compelled to disclose a document which would not be disclosable in civil proceedings, but this does not take account of the fact that appellants are not currently subject to the disclosure obligations which arise in civil proceedings.

Given that the OFT has recently been given extensive powers of investigation it would seem inappropriate (if this is what is intended) to grant a further potential power to obtain documentation in the Rules. If that is not intended, it should be made clear that Rule 8 does not provide any additional requirement for disclosure.’

Law Reform Committee of the Bar Council of England and Wales

We acknowledged these concerns and to reflect them we removed this draft rule and revised the rule about exceptions to disclosure¹⁰. Therefore, under the Rules a party will only be obliged to provide a list of all the documents on

¹⁰ Rule 5 – Disclosure and inspection of documents - of CCAT Rules 2008

which their case is based and they can indicate whether they wish any documents not to be available for inspection. In the interests of justice the Tribunal can order fuller disclosure if it considers it necessary to do so.

Draft rule 9

Directions

This draft rule enables the Tribunal to give specific procedural directions necessary or desirable to ensure the just, expeditious and economical determination of an appeal.

Draft rule 9(13)

One consultee questioned whether the power in this rule to vary or set aside a direction was also intended to apply, on application, to either of the parties.

Taking up this point, we revised the rule about 'directions' so that what were draft rules 9(7) and (8) were deleted and the former draft rule 9(13) revised so that it also applied to parties¹¹. Another reason for this change was that we received feedback from the Tribunal judiciary to the extent that it was overly burdensome to require them to seek representations every time they made a direction. To ensure that the procedure is fair the revised rule allows a party to apply to have a direction (that has been made) to be varied or set aside.

Draft rule 11

Pre-hearing review

The purpose of this draft rule was to enable the Tribunal to determine any preliminary question of fact or law that they thought might be relevant to the appeal at a preliminary hearing.

¹¹ Rule 3 – Directions - of the CCAT Rules 2008

In its response, the OFT commented that it thought this draft rule would involve itself and the Appellant in additional costs, both in attending and potentially being represented at the Tribunal hearing, which it suggested could also build in a further factor of undesirable potential delay.

The final rule on directions¹² allows the Tribunal to give a direction at any time to “assist the Tribunal to determine the issues” and enables the Tribunal to direct when an oral hearing takes place. We were confident that this covered the provisions in draft rule 11 whilst acknowledging the OFT’s concerns, and so we removed draft rule 11. We were also confident that the rule on determination without an oral hearing¹³ covered the provisions in draft rule 13 and so removed that draft rule 13 as well.

Draft rule 14

Withdrawal of appeal

This draft rule dealt with the procedure for the withdrawal of an appeal or application before or at the hearing.

Draft rule 14(5)

One consultee commented that this sub-rule did not specify on what grounds the CCAT could grant permission to withdraw an appeal. The OFT were also concerned at the inclusion of what it saw as a ‘sunset’ clause to an Appellant’s appeal:

¹² Rule 3 – Directions - of the CCAT Rules 2008

'Withdrawal should be as of right, even on the day of the appeal, or it should be with permission throughout. There is no reason for the distinction. Where an appellant withdraws his appeal, there should be an absolute ban on bringing another appeal, or at least a sunset clause. Where it is an appeal against revocation or refusal to renew, the licence dies when the appeal period has ended.'

The Office of Fair Trading

After careful consideration, we took the decision that this sub-rule should remain in the interests of fairness for the Appellant. However, in response to the comments of consultees, we did not feel it to be appropriate to prescribe the test that the Tribunal applied when deciding whether or not to allow another appeal. We were of the opinion that the Tribunal's decision should be based on the circumstances before it and what it deems to be fair. We recognise that this is a judicial task and not one that we could define in rules of procedure.

Draft rule 16

Public hearings and directions for private hearings

Article 6 of the ECHR provides the right to a fair trial, including the right to a public hearing, before an independent and impartial tribunal. The purpose of this draft rule was to recognise circumstances in which the CCAT would need to consider the question of whether hearings should be held in public or private. It was drafted on the presumption that all hearings will be in public except where it is necessary, and in the interests of justice to do so, that a hearing be held in private.

¹³ Rule 11 – Determination without an oral hearing - of CCAT Rules 2008

In their response the Newspaper Society set out that:

‘Given the issues of importance to consumers that could arise in the course of an appeal, we are surprised that on the application of the parties, the rules will permit oral hearings to be heard in private in whole or in part (Rule 16) and for decisions to be withheld from publication in whole or part, or anonymised or edited (Rule 21). The Society submits that these rules should be deleted.

If this is not the case, then the rules should contain express provisions giving direct rights to the media and other members of the public or interested parties for: notification of such applications; to make representations before the Tribunal gives such directions; for review of any such decision of the Tribunal: for the variation and lifting of such directions, including supplementary powers where appropriate for the release and supply of transcripts of the hearings held in private or otherwise, and for subsequent full publication of the decision; and for appropriate review and appeal mechanisms. Guidance should also be issued to the Tribunal to receive and consider informal representations from the media, public and other interested parties, either in writing or in person and direct or from their legal representatives, on these matters.’

The Newspaper Society

Speaking on this draft rule another consultee said that:

‘We hope that the powers outlined under Rule 16 to hold hearings in private will be used sparingly. In many cases, we can envisage that it would be in the public interest to publicise details of proceedings where a Consumer Credit licence has been refused or suspended.’

The Money Advice Trust

In light of the responses from consultees, we changed the test to be applied in this rule from a private hearing “not prejudicing the interests of justice” to a private hearing actually needing to be in the interests of justice. We believe that this ensures that a private hearing will only be held when it is strictly

necessary to do so. Additionally, under the rule¹⁴ any direction that the Tribunal makes must be no more than is strictly required by the particular circumstances as it must consider whether it is sufficient that just part of the hearing rather than all of it need be in private.

Draft rule 19(2)

Procedure at hearings

This draft rule was intended to establish the procedure for any hearing including the manner and order of proceeding. It was intended that this draft rule make it implicit that the Tribunal assist any party unable to make the best of its own case.

One consultee suggested that this sub-rule could provide for evidence to be given either orally or in written form, for example to cover witness statements or affidavits.

We are confident that the phrase “subject to any directions by the Tribunal”¹⁵ covers this. If we had inserted a provision here for evidence to be given in writing then there could be the possibility that other draft rules not containing such a provision could be interpreted as therefore not containing that power. The final Rules allow the CCAT to give such directions as appear to them to be necessary for the efficient and fair conduct of the hearing.

Draft rule 21

Publications of decisions of the Tribunal

This draft rule explained the procedure for the CCAT to follow in order to communicate its decision.

¹⁴ Rule 20 – Public hearings and directions for private hearings - of the CCAT Rules 2008

One consultee set out that:

‘Regarding rule 21, we would support publication of all Tribunal decisions, as this would act as a powerful deterrent to companies who may be conducting business in a manner similar to those of another company whose licence had been revoked. For this reason, brief details should be included explaining the reasons for the decision of the Tribunal in each case. This too would act in the public interest and act as a tool to support consumer protection generally.’

The Money Advice Trust

Although we felt this to be a valid suggestion, against the background of the final Rules as a whole we took the decision that it would be too prescriptive a measure for inclusion in secondary legislation. In practice these decisions will fall to the CCAT and its administration.

Draft rule 24

Permission to appeal to the Court of Appeal or Court of Session

Draft rules 24, 25 and 26 set out the right of appeal from the Tribunal, established on a point of law, to the Court of Appeal or Court of Session. One consultee set out that:

‘Rule 24 allows permission to appeal to the Court of Appeal or Court of Session on a point of law within 14 days. However, it is not clear whether this is 14 days from the decision or from the publication of the decision. This should be clarified.’

Finance and Leasing Association

¹⁵ Rule 23(2) – Procedure at hearings - of the CCAT Rules 2008

After looking again at this draft rule we were content that the reference to the person having received the notification made this clear enough and so kept the rule as it was¹⁶.

Draft rule 29

Failure to comply

This draft rule was intended to enable the Tribunal to dispose of an initial appeal where it considered that the Appellant had acted, or was suspected of being likely to act, vexatiously, frivolously or unreasonably in bringing the appeal or otherwise in relation to the appeal.

One consultee asked if there was intended to be a right of appeal on interlocutory matters, that is a partial strike-out. If so, they argued that a striking out without a hearing would be unfair and the right of appeal would provide no effective redress.

Section 41A of the Consumer Credit Act 2006 provides that a party may, with leave of the Tribunal, appeal to the court on a point of law arising from 'a decision' of the Tribunal. It is a matter of judicial interpretation what 'decision' means but it does not seem to be restricted to merely the decision that determines the appeal. No order could be made under this rule¹⁷ without the CCAT inviting representations. We were, therefore, content to keep the rule as it was drafted.

Additional comments

Lloyds TSB commented that, in order to ensure complete clarity, the draft rules should confirm that any action ordered against a licensee would be suspended until the appeals' process is exhausted.

¹⁶ Rule 28(b) – Permission to appeal to the Court of Appeal or the Court of Session - of the CCAT Rules 2008

¹⁷ Rule 7 – Failure to comply - of the CCAT Rules 2008

On the same point another consultee said that:

‘This is an issue of potential concern where a licence is revoked, as a consumer credit business will be placed at a risk of liquidation only a short time after the revocation of a licence. If the revocation were subsequently found to be flawed there would be manifest unfairness to the appellant in such circumstances. Section 32(7) of the 1974 Act provides that a revocation shall not take effect before the end of the “appeal period”, defined in s.189(1) as ending on the final determination by the CCAT. Thus, it seems, absent any provision in the Rules, that there is no power for the CCAT or the Court of Appeal to suspend a revocation, even in circumstances where (for example) the CCAT has itself given leave.’

Law Reform Committee of the Bar Council of England and Wales

The Consumer Credit Act 2006¹⁸ sets out that the Tribunal’s rules of procedure can cover the suspension of determinations of the OFT, which would enable rules of procedure to set out supplementary or consequential procedures to be followed to bolster what is provided in the primary legislation¹⁹. However, we felt that it would not be appropriate for rules of procedure to set out what is already stated in the primary legislation. Namely, that a revocation is suspended until the appeal period has ended.

¹⁸ Schedule A1 (10)(k) of the Consumer Credit Act 2006

¹⁹ Section 32(7) of the Consumer Credit Act 1974

Conclusion and next steps

This paper has set out the main changes that we made to the draft Consumer Credit Appeals Tribunal Rules 2008 as a result of both internal and public consultation. We do not consider that any of the changes made compromised the main policy aims of the CCAT Rules 2008, which we are confident provide a fair and effective framework under which the Tribunal may operate.

The CCAT Rules²⁰ came in to force on 6 April 2008.

²⁰ Statutory instrument 2008 No. 668

Consultation Co-ordinator contact details

If you have any complaints or comments about the **consultation process** rather than about the topic covered by this paper, you should contact Gabrielle Kann, Ministry of Justice Consultation Co-ordinator, on 020 7210 1326, or email her at consultation@justice.gsi.gov.uk.

Alternatively, you may wish to write to the address below:

Gabrielle Kann
Consultation Co-ordinator
Ministry of Justice
5th Floor Selborne House
54-60 Victoria Street
London
SW1E 6QW

If your complaints or comments refer to the topic covered by this paper rather than the consultation process, please direct them to the contact given on page 5.

The consultation criteria

The six consultation criteria are as follows:

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
3. Ensure that your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

Annex A – CCAT press notice



Tribunals Service

News Release

PN 03/08

6 April 2008

LICENCE TO LEND: CONSUMER CREDIT APPEALS TRIBUNAL STARTS OPERATING

A newly created tribunal, set up to ensure credit businesses have a more independent route of appeal against decisions by the Office of Fair Trading (OFT), starts work today, administered by the Tribunals Service.

Businesses that offer goods or services on credit or lend money to consumers are required, under the Consumer Credit Act 1974, to be licensed by the OFT. Trading without a licence is a criminal offence and can result in a fine and/or imprisonment.

The Consumer Credit Appeals tribunal (CCAT), created by the 2006 Consumer Credit Act (which amends and updates the Consumer Credit Act 1974), replaces the existing system of appeals to the Department for Business, Enterprise and Regulatory Reform (BERR) Secretary of State.

Jeanne Spinks, Acting Chief Executive of the Tribunals Service, said:

‘I am delighted to welcome a new tribunal to the Tribunals Service, joining the 28 already in place. Our staff will ensure that those who bring cases to the Consumer Credit Appeals tribunal will have them administered in a fair, efficient and professional manner.

‘Bringing individual tribunals into a single integrated service is at the heart of the most radical change to the tribunal system in 50 years. We plan to continue work to transfer further tribunals to the Tribunals Service so that we are able to deliver an effective, unified service.’

The President of the CCAT Judge Peter Wulwik said:

‘The Consumer Credit Appeals tribunal will provide an efficient way in which credit businesses can challenge decisions made by the Office of Fair Trading, such as to revoke or suspend a licence.

‘An independent, effective and accessible tribunal is vital to ensure access to justice.’

Judge Wulwik will be supported by three legal members and nine non-legal members. The President and members have transferred from the existing Consumer Credit Appeals Panel ensuring expertise in this field will be retained.

Both the President and legal members have the ability to progress and hear cases alone, though the first cases are not expected to reach an oral hearing until the summer, once papers have been filed and responded to by each side.

It is anticipated that up to twenty appeals will be made to the tribunal each year, with oral hearings taking place in Tribunals Service buildings throughout the UK.

Appeals can be brought against final decisions made by the Office of Fair Trading from today onwards and application forms are available from www.consumercreditappeals.tribunals.gov.uk, where judgments will be posted in due course.

Decisions of the tribunal can be appealed, on a point of law, to the Court of Appeal.

Notes to Editors

1. The CCAT will be located within existing Tribunal Services premises in Bedford Square, London. More details about the CCAT can be found at www.consumercreditappeals.tribunals.gov.uk
2. The Tribunals Service is an executive agency of the Ministry of Justice, formed in April 2006 to provide independent administrative support to central government tribunals and organisations. Some 29 tribunals are now administered by the Service. These include employment tribunals, asylum and immigration tribunals, finance and tax tribunals, social security and child support appeals and the Special Immigration Appeals Commission. For more details visit: www.tribunals.gov.uk
3. The Lord Chancellor, the Right Honourable Jack Straw MP, appointed Judge Wulwik to be President of the CCAT for a period of one year, with effect from 6 April 2008. Judge Wulwik, aged 57 was called to the Bar (G) in 1972. He was appointed as an Assistant Recorder in 1995, a Lawyer Chairman of the Rent Assessment panel in 1999, a Recorder in 2000, and a Circuit Judge on the South Eastern Circuit in 2004. Judge Wulwik has also been a member of the panel of Chairmen who hear appeals to the Secretary of State under the Consumer Credit Act 1974 since 2003.
4. Further details about the ongoing recruitment campaigns are available from www.judicialappointments.gov.uk/current/progress.htm
5. For further details about the administration of the CCAT contact TS Senior Press Officer Paula Ogun on 020 7340 6510 or email pressoffice@tribunals.gsi.gov.uk
6. For more details about the Consumer Credit Act 2006 please visit: www.berr.gov.uk/consumers/consumer-finance/credit-act-2006/index.html

Annex B – List of respondents

Association of Mortgage Intermediaries

Finance and Leasing Association

Law Reform Committee of the Bar Council of England and Wales

Lloyds TSB

Money Advice Trust

The Newspaper Society

Office of Fair Trading

