

Tribunal Procedure Committee

Consultation on possible changes to the Upper Tribunal Rules 2008 arising from trade remedies appeals

Questionnaire

We would welcome responses to the following questions set out in the consultation paper. Please return the completed questionnaire by **14 December 2018** to:

Tony Allman-Secretary to the Tribunal Procedure Committee
1st Floor Piccadilly Exchange
2 Piccadilly Plaza Manchester
M1 4AH

Email: tpcsecretariat@justice.gsi.gov.uk

Respondent name	
Organisation	

<p>Definitions Question 1: Do you agree with the possible changes to the definitions? If not, why not?</p>
<p><u>Comments:</u></p>
<p>Definitions Question 2: Should any further changes be made to the definitions in the Upper Tribunal Rules? If so, what changes and why?</p>
<p><u>Comments:</u></p>
<p>Procedural steps and time limits Question 3: Is it appropriate that an appeal be initiated via Upper Tribunal rule 23? If not, why not?</p>
<p><u>Comments:</u></p>
<p>Procedural steps and time limits Question 4: Should the time limit for initiating an appeal be (i) in the case of a decision required to be published by notice, within one month of the coming into effect of the notice; and (ii) in the case of a decision that is not required to be published, within one month of the Trade Remedies Authority sending its decision? In either case, if not, why not?</p>
<p><u>Comments:</u></p>

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Procedural steps and time limits
Question 5: If Upper Tribunal rule 23 is to govern the making of an appeal, should the time limit for a response be as provided for in Upper Tribunal rule 24? If not, why not?

Comments:

Procedural steps and time limits
Question 6: If Upper Tribunal rule 23 is to govern the making of an appeal, should the time limit for a reply to a response be as provided for in Upper Tribunal rule 25? If not, why not?

Comments:

Referrals to the Upper Tribunal
Question 7: Should a referral by the Trade Remedies Authority to the Upper Tribunal (Tax and Chancery Chamber) be made via Upper Tribunal rule 26A? If not, why not?

Comments:

Costs
Question 8: What should be the costs regime for these appeals, by reference to (i) no costs shifting; (ii) full costs shifting; (iii) one-way costs shifting; or (iv) any other regime for costs? Please provide your reasoning.

Comments:

Confidentiality of Information Question 9: Do you agree that it is appropriate to reflect the process of the Upper Tribunal respecting the confidentiality approach of the TRA by amendment to Upper Tribunal rule 14? If not, why not?
<u>Comments:</u>
Confidentiality of Information Question 10: Do you agree that the correct approach is to consider Upper Tribunal rule 14(8) rather than Upper Tribunal rule 14(2)? If not, why not?
<u>Comments:</u>
Confidentiality of Information Question 11: Do you have any comments on the drafting proposal?
<u>Comments:</u>
Hardship applications Question 12: Do you agree with the proposal for an amendment to Upper Tribunal rule 23? If not, why not?
<u>Comments:</u>
Generally Question 13: Do you have any further comments?
<u>Comments:</u>