

Presidential Guidance on the making of applications to the Tribunal.

This guidance is issued to assist anyone who wishes to make an application to the Tribunal and to ensure that the Tribunal can deal with such applications fairly and efficiently.

General Applications

1. Rule 6 of the Tribunal Procedure (FTT)(WPAFCC) Rules 2008 ([War Pensions and Armed Forces Compensation Chamber tribunal rules - GOV.UK \(www.gov.uk\)](http://www.gov.uk)) provides:

(1) The Tribunal may give a direction on the application of one or more of the parties or on its own initiative.

(2) An application for direction may be made -

- (a) by sending or delivering a written application to the Tribunal; or
- (b) orally during the course of a hearing.

(3) An application for a direction must include the reason for making that application.

2. The Rules are silent on any requirement for the application to be copied to any other party. In practice the Tribunal administration are routinely directed to copy any correspondence to the other party and/or their representatives. It is good practice, and in the interests of efficient working and transparency, that any application should be copied to the other side at the same time as the application is made to give them an opportunity to make any comment.

3. So, in accordance with Rule 2 and the overriding objective:

Parties to the Tribunal are therefore directed that when making an application they should:

- Set out the case management order or direction they are asking the Tribunal to make.
- Set out the reasons for making the application.
- Copy the application to the other side and /or their representative at the time they make the application and make it clear that they should send any comments to the tribunal within a reasonable period.

4. A standard form is provided to assist parties in making applications but is not mandatory. The Tribunal administration will copy the application to the other side and seek comments if that has not been done.

5. The responding party will have a reasonable period to provide any comments of up to 7 to 14 days although that may be varied depending on the urgency of the application.

Postponement Requests

6. In the case of requests for postponements the application should specify the following:

- The reason for the postponement including how it will advance the overriding objective in Rule 2.
- Any evidence which supports the application such as proof of medical treatment/appointment or holiday booking.
- Details of any previous postponements or adjournments.
- Available dates for re-listing.

7. In the case of a request for a postponement on the grounds that a representative is unavailable the application should additionally provide:

- The representative's name and the date they were instructed or agreed to act in the case.
- Where applicable, the date the representative became unavailable.
- The reasons for any unavailability of a representative.
- The details of what attempts have been made to obtain alternative representation, with dates and responses received.
- The details of any special circumstances or reasons why it is considered that the Tribunal will not be able to fairly deal with the appeal without the appellant having representation, bearing in mind that the Tribunal often hears appeals even in cases where an appellant does not have representation.

Judge Fiona Monk

Chamber President

War Pensions and Armed Forces Compensation Chamber

10 February 2022