

First-tier Tribunal General Regulatory Chamber (GRC)

Bundles Guide

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1 Bundles in the General Regulatory Chamber

To help the Tribunal identify the relevant issues and understand the arguments in an appeal, it is important that there is a well-organised bundle of all the documents each side relies upon in support of their case, whether the case is to be considered with a hearing, or without a hearing.

The overriding objective of the Tribunal is that cases must be dealt with fairly and justly.

Dealing with a case fairly and justly includes:

- avoiding unnecessary formality and doing what is possible to enable parties to participate fully in the proceedings.
- parties working together to ensure all relevant documents are before the Tribunal.
- dealing with cases proportionately.

2 Notes for Unrepresented Appellants

You and the other party or parties in your appeal will get a copy of the same bundle¹ the Tribunal has when it considers your appeal, which will include your notice and grounds of appeal, supporting documents, any witness statements, some of the correspondence between the parties, and all other documents that are relevant to the case.

Bundles will be electronic (PDF) files but, if that isn't suitable for you, you can ask the Tribunal to order that you are provided with a hard copy. This should be done at the earliest opportunity, using form [GRC5](#).² The Tribunal will decide whether to direct that you are provided with a hard copy.

2.1 Who provides the bundle?

In this Tribunal, because the Respondent (the regulator) is a public body and is usually represented by legal professionals or other officials, they will normally be expected to put together the bundle and send it to you and the Tribunal. Even though you will not usually be expected to produce a bundle, you might still find it helpful to read the Notes for Bundle Providers section below.

Sometimes the Respondent may ask the Tribunal to direct that you should provide the bundle, but that is unusual. If that happens a decision will be made by a Tribunal registrar or judge, after considering any comments you have.

2.2 When should I send my documents to the bundle provider?

The Tribunal will tell you the date by which you must send the bundle provider a copy of all of the documents that you want to rely upon. It may be helpful, though, to aim to do this as early as possible.

2.3 What does it mean to *agree* the bundle with the other party?

If possible, the parties should agree what documents need to be in the bundle. The bundle provider will send you a draft index of the bundle. If you do not agree with it,

¹ Except a [Closed](#) bundle if that arises in your appeal

² Available at www.gov.uk/government/collections/general-regulatory-chamber-first-tier-tribunal-forms

you need to send back your request for additions and changes with an explanation of why you do not agree. If you do not reply to the draft index, the bundle provider will assume you are in agreement with it.

Once you have an agreed index, the bundle can be compiled and then sent to you and the Tribunal.

Wherever possible the Tribunal prefers parties to agree the contents of bundles without issuing formal directions, but you can ask for a direction from the Tribunal using form [GRC5](#) if you and the other party cannot agree about the bundle. Sometimes, when there is no agreement, the Tribunal will order a party to submit their own ‘supplemental’ bundle of additional material. If you are required to do that, you should follow the guidance for bundle providers below.

2.4 When do I get the bundle?

The Tribunal will tell the bundle provider the date by which they must send you, and the Tribunal, a copy of the bundle.

2.5 What is an Authorities bundle?

This usually includes decisions that have been made in other cases that might be relevant to the outcome of your case, usually from the higher Courts or Tribunals such as the Court of Appeal or Upper Tribunal. It will also often include extracts from relevant legislation or published guidance.

2.6 What is a Closed bundle?

These are mostly seen in cases involving requests for information under the Freedom of Information Act 2000 (“Information Rights cases”), where the Tribunal may direct that material that includes or refers to the ‘withheld information’ should be submitted on a ‘closed’ basis. This will be put into a separate ‘Closed bundle’ and sent to the Tribunal. It will not be copied to you, as that would defeat the purpose of the appeal, but you will still get an ‘Open’ bundle of the other documents.

2.7 Can I use the bundle for something other than the Tribunal hearing?

The documents in the bundle can only be used for the purpose of the appeal unless the Tribunal gives permission for other uses. Individual documents within the bundle, may only be used for other purposes if the party who disclosed the document, and the person to whom the document belongs, agrees or the Tribunal gives permission. For further information see the Upper Tribunal’s ruling in [DVLA v Information Commissioner and Williams \(Rule 14 Order\) \[2020\] UKUT 310 \(AAC\)](#)³.

³ www.gov.uk/administrative-appeals-tribunal-decisions/dvla-v-information-commissioner-and-williams-rule-14-order-2020-ukut-310-aac

3 Notes for Bundle Providers

The Tribunal usually expects the regulator will be the party that prepares the bundle.

Although the usual way to provide bundles is as electronic PDF files, hard copies may be directed by the Tribunal either to accommodate the needs of individual parties or witnesses, or those of Tribunal panel members, or for practical reasons to do with the nature of the case documents or the hearing. The Tribunal is mindful of the cost, but bundle providers must be prepared to produce and distribute hard copies if this is directed by the Tribunal.

You should note that if you send a document to a party or the Tribunal by email or any other electronic means of communication, the recipient may request that you provide a hard copy of the document to the recipient. The recipient should make such a request as soon as reasonably practicable after receiving the document electronically.

3.1 What should be in the hearing bundle?

The bundle must be kept as relevant and compact as possible, with documents filed chronologically, usually in the sequence listed below, and must contain an index with a description of each document and its page number. The bundle will usually include:

- the disputed decision, notice or penalty
- the Notice of Appeal
- the Respondent's Response
- the Appellant's Reply
- copies of all orders and directions made by the Tribunal (the requests for these from the parties and any objections need not be included)
- any other relevant documents
- a written statement from any person on whose evidence a party relies, the witness statement will be their "evidence in chief" and therefore must be complete.

If a document to be included in the bundle is illegible, a typed copy, to be provided by the party relying on that document, must be included in the bundle, and be placed immediately after the illegible document in the bundle.

Any document not written in English must be accompanied by a certified translation.

3.2 Technical requirements

The Tribunal will access electronic bundles using either PDF Xchange Editor or Adobe Reader.

All typewritten pages **must** be the subject of OCR (optical character recognition) if they have not been created directly as electronic text documents. This turns them from a picture to a document in which the text becomes word-searchable and can be highlighted in marking them up. It also allows copying of text, which greatly assists the Tribunal when writing its decision.

If practicable any scans of documents should not be greater than 300 dpi in order to avoid slow scrolling or rendering.

3.3 Appearance

All documents should appear in portrait mode. If an original document is in landscape, then it should be inserted so that it can be read with a 90-degree rotation clockwise. No document should appear upside down.

The default view for all pages should be 100%.

3.4 Format of the hearing Bundle

The documents in the hearing bundle **must** be arranged in chronological order within the different sections.

Section A of the bundle must contain:

- (i) The decision that is being appealed
- (ii) The appellant's Notice of Appeal (GRC1) to the Tribunal
- (iii) The Respondent's Response to the Notice of Appeal
- (iv) The Appellant's Reply to the Respondent's Response

Section B of the bundle must contain all relevant documents that were before the decision maker when the decision being challenged was made.

Section C should contain all relevant documents that was not before the decision maker when the decision being challenged was made.

In those jurisdictions where there is no decision in dispute, for example in applications to the Tribunal made under section 166 of the Data Protection Act 2018, the bundle should be formed as follows:

Section A: The Notice of Application to the Tribunal, Response and Reply;

Section B: All other relevant documents in chronological order.

All bundles must be paginated in ascending order from start to finish. The first page of the PDF will be numbered "1", and so on. Any original page numbers of documents within the bundle are to be ignored. Index pages must be numbered as part of the single PDF document (with the prefix indicated below), they are not to be skipped. If a hard copy of the bundle is produced, the pagination on the hard copy must correspond exactly to the pagination of the PDF.

The page number should be preceded by the section letter (e.g. Index 1 - Index 4, A5 – A10, B11 – B42, C43 – C70). Pagination should not mask relevant detail on the original document.

3.5 Indexing of bundles

In an electronic hearing bundle, the index should be hyperlinked to the relevant page of the bundle.

All significant documents and all sections in bundles must be electronically bookmarked for ease of navigation, with an appropriate description as the bookmark. The bookmark should contain the section and page number of the document.

The index should identify each individual document submitted, and should be in the following format:

Type of Document	Date of Document	Page Number
Decision Notice	1 July 2023	A5
Information Request to public authority	1 March 2023	B17
Witness Statement of Alf Brown	1 February 2024	C31

A draft index of the contents of the bundle (and of any authorities bundle) should be sent to the other party(ies) to agree before it is finalised. The Tribunal will tell the parties the date by which this must be done.

If parties cannot agree on the relevant content for the bundle, they can apply to the Tribunal, using form [GRC5](#), for a decision on whether a document can, or cannot, be in the bundle. This should include the document(s) in question and each party's submissions on why the document is relevant to the resolution of the principal issues in the proceedings. The application should be made in advance of the date the Tribunal has provided for the filing of the Final Bundle. The Tribunal will then determine the issue.

3.6 Closed bundles

Some of the General Regulatory Chamber's jurisdictions have particular bundle requirements. Although it is usually Information Rights cases that create the conditions in which a closed bundle may be needed, this can also arise in other types of appeal (for further details see, for example, the [Practice Note – Closed Material in Information Rights Cases](#) dated May 2012).

If the Tribunal needs to see the information in dispute in an Information Rights case, this will need to be placed in a separate "Closed" bundle. When a public authority has joined the proceedings as a second respondent, the Tribunal may ask that they prepare any Closed bundle.

Because a direction under rule 14 of the Tribunal's [Procedure Rules](#)⁴ is required before documents in a Closed bundle can be considered, an application must be made by the person producing it, using form [GRC5](#). The application and closed bundle will be checked by a Registrar to ensure compliance with legal and procedural requirements and a decision will be made on the application under rule 14.

The file name for the final electronic Closed Bundle should be in the following format - **CLOSED FINAL BUNDLE FT EA 1234 2024 Jane Grey**.

⁴ www.gov.uk/government/publications/general-regulatory-chamber-tribunal-procedure-rules

The index page to all Closed bundles should be clearly marked at the top, “**CLOSED Not to be disclosed to [name of relevant party] or to the public**”.

All electronic Closed Bundles should be password protected. The password for the Closed Bundle should be communicated to the Tribunal at the same time as the bundle is provided to the Tribunal, but by way of a separate email sent to GRC@Justice.gov.uk, with the subject line to the email being in the following format “Password: FT.EA.1234.2024”.

The Closed bundle must have its own index and, if the bundle is in electronic form, this should be hyperlinked to the relevant page. The bundle should also be bookmarked.

The documents in the Closed bundle should be arranged in chronological order, and the pagination should be continuous and prefaced with CBIndex1-5 or the letters CB6-10. Where the closed bundle contains closed versions of open documents, the closed index should include that information in a separate column or indicate there is no open version of the document.

Type of Closed Document	Open version	Date of Document	Page Number
Ministerial strategy document	None	1 July 2023	CB5
Witness Statement of Alf Brown	C31	1 February 2024	CB10

3.7 Bundle of Authorities

If a party wishes to rely on a court or Tribunal decision, that party will provide an electronic copy of the authority to the other party(s) and the Tribunal. If more than five court or Tribunal decisions are to be relied upon, the parties must put these in a single electronic bundle, with an index identifying each (bookmarked) decision or piece of legislation.

3.8 File naming of electronic bundles

The file name of the electronic hearing bundle must include the appeal number, the name of the appellant/applicant and state that it is the final bundle (i.e. **FINAL BUNDLE FT EA 1234 2024 Jane Grey**).

The file name for a Closed bundle should be in the following format - **CLOSED FINAL BUNDLE FT EA 1234 2024 Jane Grey**. The electronic Closed bundle should be password protected. The password for the Closed bundle should be communicated to the Tribunal at the same time as the bundle is provided to the Tribunal but by way of a separate email sent to GRC@Justice.gov.uk, with the subject line to the email being in the following format “Password: EA.1234.2024”.

Revised bundles should always state that they are a revised bundle and have the revision date in the file name, to avoid confusion with earlier versions (i.e. **REVISED FINAL BUNDLE FT EA 1234 2024 Jane Grey 1.1.24**).

If a bundle is to be added to after the date by which the Tribunal directed the bundle to be provided, then the additional material should be sent to the Tribunal in a separate electronic bundle. The file name of a Supplemental Bundle should identify that it is a supplemental bundle and contain the date on which it was sent to the Tribunal (i.e. **FIRST SUPPLEMENTAL BUNDLE FT EA 1234 2024 Jane Grey 8.1.24**).

A request to admit a supplemental bundle after the date by which the Tribunal directed the hearing bundle to be provided, should be made using form [GRC5](#). This form should contain an explanation as to why the documents were not sent to the Tribunal by the date directed, and a copy of the supplemental bundle. The form should also state if there is any objection from the other party to the Tribunal receiving extra documents.

Authorities should be provided in a separate bundle. The file name for an electronic authorities bundle should be in the following format: **AUTHORITIES FT EA 1234 2024 Jane Grey**.

3.9 Witness bundles

If a witness is to attend the hearing, the party calling that witness must ensure they have access to all of the relevant electronic or hardcopy bundles, so that they can be referred to any relevant pages.

3.10 Hard copy bundles

If production of a hard copy bundle is directed by the Tribunal, the bundle must be indexed and paginated in accordance with paragraphs 3.4 and 3.5 above.

All hard copy bundles should be clearly marked with the case name and appeal reference and be placed in a ring binder.

Hard copy Closed Bundles should be clearly marked as Closed on the front cover and spine of the ring binder. A red spine label should be used and a red A4 sheet of paper should be placed in the front cover of the ring binder giving the case details.

3.11 Delivery

If sending a bundle by email, it must be sent to GRC@justice.gov.uk. The subject line to the email must contain the Tribunal's reference, and the name of the appellant. Please note that justice.gov email addresses have size limits for attached files and an email that exceeds it may be rejected without notice to the recipient. As a rule, attachments exceeding 20MB should be avoided.

An alternative is to submit via the HMCTS Document Upload Centre, a document exchange system for professional users (ask the Tribunal office about setting up a link).

Hard copy bundles should be sent to the following address:

General Regulatory Chamber
HM Courts & Tribunals Service
PO Box 9300 | Leicester | LE1 8DJ

**Chamber President
May 2024**