**JUDGE FIONA MONK**

PRESIDENT**│**(FtT) WAR PENSIONS AND ARMED FORCES COMPENSATION CHAMBER

**PRESIDENTIAL GUIDANCE NOTE 2 of 2024:
MAKING 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. It replaces the previous guidance which was issued in February 2022 since the amendment to the Tribunal Procedural Rules now requires applications to be copied to the other parties to the proceedings.*

GENERAL APPLICATIONS

1. Rule 6 of the Tribunal Procedure (FTT)(WPAFCC) Rules 2008 as amended <https://www.gov.uk/government/publications/war-pensions-and-armed-forces-compensation-chamber-tribunal-rules> now provide:

Procedure for applying for and giving directions

6.(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 a 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.

(3A) A party making a written application must send a copy of the application to every other party to the proceedings and to any other person that may be affected by the direction applied for, and request that any comments on the application should be sent to the Tribunal within the period of 7 days beginning with the day that a copy of the application is received, or such earlier period as the Tribunal directs.

(4) Unless the Tribunal considers that there is good reason not to do so, the Tribunal must send written notice of any direction to every party to the proceedings and to any other person affected by the direction.

(5) If a party or any other person sent notice of the direction under paragraph (4) wishes to challenge a direction which the Tribunal has given, they may do so by applying for another direction which amends, suspends or sets aside the first direction.

2. The amended Rules are no longer silent on any requirement for the application to be copied to any other party so, in accordance with Rule 6 and the overriding objective in Rule 2:

Parties to the Tribunal are 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 in accordance with Rule 6 3 (A)and make it clear that they should send any comments to the tribunal within 7 days or any other period that the Tribunal directs.

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

5. The responding party will have a reasonable period to provide any comments of up to 7 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 receive.
* 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**

**August 2024**