



TRIBUNALS
JUDICIARY

**PRACTICE DIRECTION
FIRST-TIER TRIBUNAL
GENERAL REGULATORY CHAMBER**

**FAST TRACK PROCESS FOR APPEALS AGAINST STOP
NOTICES BEFORE THE FIRST-TIER TRIBUNAL IN THE
GENERAL REGULATORY CHAMBER
On or after 6th April 2010**

1. This Practice Direction applies to an appeal against a Stop Notice, which is a written notice issued under Schedule 3 to the Environmental Civil Sanctions (England) Order 2010, that prohibits a person from carrying out an activity which is causing or is likely to cause serious harm until the person has taken the steps specified in the notice to remove the risk of serious harm or fully return to compliance with the law.
2. Due to the nature of a Stop Notice and its potential impact on loss of revenue or business to the person on whom it was served, it is necessary that any appeals in relation to a Stop Notice are progressed expeditiously. In order to ensure that this happens the Tribunal may use its powers under rule 5(3)(a) of The Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009, as amended (the Rules) to shorten the time for complying with the Rules.

IN PARTICULAR

3. The time for the Respondent to comply with rule 23(1)(b) of the Rules will be within 7 days after the date on which the respondent received the notice of appeal.
4. The time for the appellant to make a written submission and provide further documents in reply to a response under rule 24(2) is within 7 days after the date on which the respondent or the Tribunal sent the response to the appellant.

IN ADDITION

5. Such appeals will be determined on the papers without an oral hearing under rule 32(1), unless either party provides to the Tribunal within 7 days of the respondent's response a written objection with reasons why the appeal should be heard by way of an oral hearing. Such objection should provide an estimate of the time needed for the hearing and the parties' availability to attend a hearing within the period of 6 weeks from the date of the notice of appeal.
6. The Tribunal will aim to list this appeal for a hearing on the first open day after the 4th week, but no later than the 6th week from when the notice of appeal was lodged with the Tribunal. If the Tribunal is not able to give at least 14 days notice of the actual hearing date then such notice as is given will be provided under the provisions of rule 34(1)(b) because of the urgent circumstances of such appeals.
7. A final version of the bundle, to include any witness statements, any exhibits, a chronology of events and an agreed statement of facts is to be prepared by the respondent and four copies are to be lodged with the Tribunal at least 10 days prior to the indicative date for the substantive hearing.
8. A pre hearing review via telephone conference will take place 5 days before the substantive hearing whether paper or oral.
9. Final written submissions (paper) or skeleton arguments (oral hearings) will be exchanged between the parties and lodged with the Tribunal at least 3 days prior to the hearing together with copies of authorities.
10. Where possible all documents will be lodged with the Tribunal in electronic format.
11. The Tribunal will aim to announce its decision within 24 hours of the hearing and endeavour to serve reasons within 21 days following the substantive hearing.
12. This Practice Direction is made by the Senior President of Tribunals with the agreement of the Lord Chancellor. It is made in the exercise of powers conferred by the Tribunals, Courts and Enforcement Act 2007.

LORD JUSTICE CARNWATH
SENIOR PRESIDENT OF TRIBUNALS
09 April 2010