

## **ENVIRONMENT AND TRAFFIC APPEAL ADJUDICATORS**

### **LONDON TRIBUNALS**

**PRACTICE DIRECTION No.2 of 2024**

**SUBJECT: SKELETON ARGUMENTS, ADDITIONAL REPRESENTATIONS AND BUNDLES**

**COMMENCEMENT DATE: 1 August 2024**

#### **1. Introduction**

- a. The overriding objective of the Tribunal is to deal with cases expeditiously and justly and in a proportionate manner. Each case shall be allotted an appropriate share of the Tribunal's resources, while taking into account the need to allot resources to other cases.
- b. The parties are expected to help the Tribunal to further the above overriding objective.
- c. The Practice Direction shall apply to appeals, applications for review and applications for costs and any other matters that come before an Adjudicator.
- d. The Practice Direction shall apply to all matters that come before an Adjudicator after the commencement date.

#### **2. Skeleton Arguments and Additional Representations**

- a. A party should only rely on a skeleton argument or additional representations when it is necessary and proportionate, and if it would assist the Adjudicator.
- b. The appellant's representations to the Authority and their Notice of Appeal, together with the Authority's Case Summary, will be sufficient in most cases to enable the Adjudicator to decide the matter.
- c. Parties should consider, and may be asked to justify, why their case has not been contained in the Notice of Appeal or case summary respectively.
- d. A Skeleton Argument or additional representations must:
  - be concise
  - identify the statutory ground or grounds of appeal relied upon
  - clearly and briefly outline the issues with reference to the relevant ground,
  - include a chronology of the facts, if it would assist the Adjudicator
  - be set out in numbered paragraphs with the use of headings where appropriate
  - be cross referenced to any relevant documents
  - not include extensive quotations from documents or extensive repetition of the evidence
  - include a list of the relevant authorities, if any, and identify those that assist and do not assist the party's case
  - not include extensive quotations from authorities or extensive comment on those authorities

- be no longer than 3 pages of A4 including any attachments and appendices.
- be typewritten and in font size 11 or 12.
- e. A party's skeleton argument must be lodged with the Tribunal at least 14 days prior to the hearing.
- f. If a matter is to be decided on a postal basis, a party's Skeleton Argument must be lodged with the Tribunal within 14 days of service of notification by the Tribunal that the matter has entered the postal list.
- g. A party may only rely on a skeleton argument or additional representations, but not both.

### **3. Bundles of Documents**

- a. A party should only rely on a bundle when it is necessary and proportionate and if it would assist the Adjudicator.
- b. A bundle must:
  - only include documentation that is relevant to the issues in the case
  - be indexed
  - be paginated
  - be no more than 50 pages
- c. A party's bundle must be lodged with the Tribunal at the same time as they lodge their skeleton argument/additional representations.

### **4. Breach of the Practice Direction**

If a party is in breach of this Practice Direction, an Adjudicator may exercise their case management powers under the relevant regulations and legislation, as they consider appropriate, which will include their power to adjourn, so that the breach can be rectified.

**Anthony Chan**

**Chief Adjudicator Environment and Traffic**

**July 2024**