

THE UPPER TRIBUNAL (ADMINISTRATIVE APPEALS CHAMBER)
PRACTICE AND PROCEDURE AT ORAL HEARINGS

Attendance

Please arrive 30 minutes before your hearing is due to start. On arrival, report to the **Receptionist** who will call the Court Clerk. Any further documents you wish to use at the hearing must be given to the clerk who will pass copies to the Upper Tribunal Judge before the proceedings start. The clerk will also make enquires regarding any travel and subsistence claims you may make.

The Courtroom

You and/or your Representative will sit on the right facing the Upper Tribunal Judge, the Representative of the Secretary of State will sit on the left.

If there are any observers or members of the public attending the hearing, they will be seated at the back of the Courtroom and will not take part in the proceedings.

The Court Clerk will fill in an Attendance Sheet listing all those present including observers, this is handed to the Upper Tribunal Judge before the proceedings start.

The Upper Tribunal Judge

The Upper Tribunal judge does not wear robes or a wig. He or she will be ushered in and the Court will be asked to rise. You should remain standing until the Upper Tribunal Judge is seated. At the conclusion of the hearing the Court will rise as the Upper Tribunal judge leaves.

The Upper Tribunal judge should be addressed as **Sir or Madam**.

The Proceedings

If it is your appeal you will usually be invite to present your submission first. The other party may then make their submission and you will be given the opportunity to make a closing statement. The Upper Tribunal Judge may outline any legal points upon which he or she wishes to hear further and may direct specific points to either party for a response at any time during the proceedings.

One side puts forward their submission without interruption by the other.

The parties are not usually required to take an oath and may present their case while seated.

The Upper Tribunal Judge may make their own notes of the proceedings and to assist in this, the parties may be asked to repeat statements or clarify points to ensure that these have been taken down correctly.

When presenting a submission, make sure that decisions including page number and paragraph are identified correctly. Ensure too that any statutory instruments and regulations are identified fully to assist the Upper Tribunal Judge.

Conclusion

The Upper Tribunal Judge will not usually give their decision in Court. A written determination is issued at a later date.

Adjournment

If the Upper Tribunal Judge adjourns the case, a new date may be arranged which will be confirmed later by **the Listings Officer, or you will be notified of the new date by post.**

Do not hesitate to telephone the Upper Tribunal, if you have any questions about your hearing.

EXPENSES INFORMATION LEAFLET

When attending an Oral Hearing you, the claimant, are entitled to claim for any expenses incurred. These expenses fall within three main categories:-

1. Travel: The cost incurred either by public or private transport from home to the Court and return.
2. Subsistence: The actual time spent travelling and attending Court.
3. Loss of Earnings: Any loss of earnings incurred because of attending court.

If you intend to claim for any of the above expenses you must let us know in writing before the date of the hearing.

1. Travel

Travel Warrants

The Upper Tribunal can issue a travel warrant for travel on British Rail and the Underground. This warrant must be requested in advance of a hearing on the enclosed 'Confirmation of Attendance/Request for Travel Warrant and Extra Expenses: Claimant' (OH 6), and will cover the standard return fare for your journey from home to the hearing for your use only. The Travel Warrant will be issued 14 days prior to the hearing.

A letter of explanation will be required if you wish **a companion to travel with you, and a doctor's letter of verification will be required if you are that you are medically unfit to travel alone.**

Public Transport

If you do not obtain a travel warrant in advance, you will need to outline in full what expenses will be incurred by attending the Court hearings. Any receipts for private travel and /or tickets for travel on public transport (**standard class only**) in or outside London must be presented to the clerk at the hearing.

Private Transport

If you travel by private car or motorcycle you may claim mileage expenses. **This is worked out at 25 pence per mile** for a car and motorcycle. **Your claim will be limited to that of the cost of the journey by public transport.** If you park your vehicle and you incur parking fees, these can be paid if they are considered reasonable and on the production of a receipt.

Taxi

If you wish to use a taxi for any part of your journey, you must obtain prior authorisation by completing form OH 6. A taxi fare will only be authorised on production of a doctor's letter stating that you are unable to or too ill to travel by public transport. You must also supply receipts for any taxi claimed, as reimbursement will only be made upon proof of expenditure.

Persons Abroad

For any person travelling from abroad expenses become payable from the most convenient place of arrival to the hearing in the UK. **Prior authorisation** for this must be obtained by completing the form OH 6 before the hearing.

If for any reason a claim is to be made for the full journey, full details of why, will also need to be supplied and again you must obtain **prior authorisation.**

1 Expenses Information Leaflet (OH 5)

2. Subsistence

Daily

A daily subsistence allowance may be claimed for any time spent travelling to and from a hearing. This is measured from the beginning of the journey (Home) to the end (Home) and must be a direct journey only.

Time	Rate of Allowance
Over 5 hours but less than 10 hours	£4.25
Over 10 hours or more	£9.30

Overnight

Where for reasons of health or where you will not be to reach this office in time by travelling on the same day as the hearing, an overnight allowance may be claimed, you must give full details of why you are making this claim and obtain **prior authorisation** by completing the form OH 6. This is in respect of any hotel accommodation and incidental expenses you may incur. Any claim for overnight expenses must be accompanied by the hotel receipt and is claimed **instead** of daily subsistence.

London	Rate of Allowance up to a maximum of :
London	£62.20
Elsewhere	£51.65

3. Loss of Earnings

In addition to claiming Travel and Subsistence you may also claim for any earnings lost by attending an oral hearing. This is calculated by either a full days wage or the hourly rate.

A maximum of **£44.80** can be paid per day, but a full days compensation will not be paid you could reasonably work before or after the hearing.

Employed

Any claim for loss of earning must be accompanied by a 'Certificate of Loss of Earnings' (OH 8). This **form must be completed in full, signed and stamped by Employer.**

Self-Employed

Any claim for loss of earnings must be accompanied by either:-

1. A Solicitor's or Accountant's letter giving details of trading name, trading address and a recent Balance Sheet.

OR

2. Copies of recent Tax Returns.

4. General

Representatives

Travel and Subsistence can only be paid to a representative if that person is not a Barrister, Advocate, Solicitor, full-time Official of a Trade Union Organisation, Association or if they are not being paid for their representational duties. They will be entitled to claim if they work for a Voluntary Organisation, which does not pay wages. This office cannot reimburse a representative his or her lost wages for the day of the hearing if they are merely a friend, who has agreed to act for the claimant on a voluntary basis.

Any claim for payment must be accompanied by a signed letter on official headed paper from the organisation verifying that no wages are to be paid.

Any such claim can only be approved if **prior authorisation** has been given.

If you are in doubt about any of the above, please contact:

Tel: 0207 029 9850

**CONFIRMATION OF ATTENDANCE/REQUEST FOR TRAVEL WARRANT AND
EXTRA EXPENSES**

Please complete all details below and send to The Upper Tribunal, Administrative Appeals Chamber, 1st Floor East, Procession House, 55 Ludgate Hill, London, EC4M 7JW – at least **21 days** before the hearing.

Name:

File No:

Date of Hearing:

Time:

Venue:

Confirmation of Attendance

I will/ will not* be attending at above Oral Hearing

Request for a Travel Warrant

I will/will not* require a travel warrant. Nearest railway station to home: _____

Request for Extra Expenses

I will/will not* require prior authorisation (from the Tribunal Manager only) for the following:- (Please state reasons why, continuing on a separate sheet, if necessary, enclosing a **Doctor's Certificate** where appropriate).

Taxi: _____

Overnight Stay: _____

Companions Expenses: _____

*Delete as appropriate.

Note: If you or your representative do not attend the hearing, the Upper Tribunal judge may decide the case in your absence.

Signature:

Date:

FOR OFFICIAL USE ONLY

Request approved/Refused.

[**Taxi; Overnight Stay; Companions Expenses; Travel Warrant & Loss of Earnings**]

_____ Tribunal Manager.

Dated: _____

File No:

CERTIFICATE OF LOSS OF EARNINGS

To:

Name and address of Employer

Telephone: _____

Employee's Name: _____

Your employee is required to attend Court for an Oral Hearing on _____

Please complete all parts of the certificate below and return it to your employee who should bring it to the hearing.

I Certify

1. That for each day _____ is required by the Court a net Deduction of £_____ (in words) _____ a day will be made from his/her earnings.
2. The net hourly rate of pay for _____ is £_____ (in words) _____
3. That *he/she works _____ days per week, if less than 5 full days per week, please specify days worked and whether full or part days _____
4. That _____ *will not/will be permitted to return to work on any day that *he/she is not required to attend Court.
5. That *he/she *will/will not be permitted to return to work on any half day that *he/she is not required by the Court.

*Delete as appropriate

Signature: _____

Title: _____

Date: _____

Company Stamp