



## Parking and Bus Lane Appeals

### President's Direction No 2 of 2020

#### Proxy Appeals

An Appellant may elect to have their appeal disposed of without a hearing and without submitting it electronically via the FOAM case management system. This is known as a proxy appeal. Proxy appeals are decided by a legal member of the Tribunal on the papers. A written decision is then issued and posted to the administration. On receipt, the administration will upload the decision onto the FOAM case management system and write to the Appellant to notify them of the outcome of the decision. Appellants are notified via post and Respondents are notified via the FOAM case management system.

In view of the rapidly changing circumstances created by the Covid-19 pandemic, the Tribunal's administrative staff are working from home and are currently unable to process decisions and notify Appellants of the outcome of their proxy appeals. They are, however, still able to notify Respondents. It is undesirable that one party should learn of the appeal outcome before the other party where there may be a significant time gap. Appellants may feel that they are not participating fully in the proceedings. Where appeals are dismissed, if a Respondent is notified of the outcome some time before the Appellant, it may take steps to enforce the Penalty Charge Notice or Bus Lane Enforcement Notice in circumstances where the Appellant is unaware of the outcome of their appeal. Flexibility in processing decisions under these circumstances is, therefore, required,

The overriding objective of the First-Tier Tribunal for Scotland (General Regulatory Chamber) is to deal with proceedings fairly and justly. Dealing with proceedings fairly and justly includes, amongst other things:

- Ensuring, so far as is practicable, that the parties are able to participate fully in proceedings.
- Avoiding unnecessary formality and seeking flexibility in the proceedings.
- Avoiding delay, so far as compatible with proper consideration of the issues.

In furtherance of the overriding objective, the President of First-Tier Tribunal for Scotland (General Regulatory Chamber) has directed as follows:

- Decisions on proxy appeals will only be issued and uploaded onto the FOAM case management system at such time when the Tribunal's administrative staff are able to attend the Tribunal's office premises to process them and to notify the Appellant of the outcome of their appeal in writing.

This Direction supplements the President's Direction No 1 of 2020 and will be subject to ongoing review and, in particular, will be reviewed on 1 May 2020 to consider the circumstances as they then stand in connection with the Covid-19 pandemic.

This Direction is made pursuant to Tribunals (Scotland) Act 2014, section 74(2) and rules 2 & 4 the First-Tier Tribunal for Scotland General Regulatory Chamber Parking and Bus Lane Appeals Rules of Procedure 2020

A handwritten signature in black ink, appearing to read 'A S Green', with a horizontal line underneath the name.

Alexander M S Green  
Chamber President

9 April 2020