

**FEDERAL APPEALS PANEL
PUBLISHED PROCEDURES
confirmed by Conference on 19 September 2021**

A: MISSION STATEMENT

The Federal Appeals Panel ("FAP") exists under Article 22 of the Federal Party Constitution to resolve internal disputes falling within Article 22.3.

The FAP acts as guardian of Members' rights under the Federal Party Constitution, and is accountable to Federal Conference which is the sovereign representative body of the Party.

The FAP shall make its determinations with integrity. Its members shall be impartial and independent from the parties to any dispute, executive bodies, officers or staff of the Party.

In discharging its duties the FAP shall act in accordance with the principles of natural justice; and shall be accessible, transparent and expeditious.

Where appropriate, the FAP shall encourage mediation; where necessary, it will make firm decisions by proper process.

In dealing with any complaint the FAP shall have regard where relevant to the general law of the land including standards of due process protected by Article 6 of the European Convention on Human Rights.

B: OFFICERS OF THE FEDERAL APPEALS PANEL

There shall be a Chair of the Federal Appeals Panel elected in accordance with Article 22.1.

There shall be 2 Vice-Chairs, approved by the FAP. The Vice-Chairs may exercise the functions of the Chair under the Rules of Procedure where the Chair has requested this, or in the event that the Chair is unable to fulfil their functions.

There shall be a Registrar of the FAP approved by the FAP, and there may be one or more Deputy Registrars. The Registrars shall normally be employees of the Federal Party. The Chair of the FAP shall consult with the Chief Executive of the Party in relation to any such appointment and either the Chair or one of the Vice Chairs of the FAP will sit on any selection process for a new Registrar.

C: RULES OF PROCEDURE

1. General Principles

Overriding objective

1.1 The overriding objective of the FAP in the application of its procedures and in the interpretation of its procedural rules shall be the resolution of disputes justly, fairly and proportionately. It shall in particular have regard to the desirability of the following factors:

- (a) ensuring that the parties are on an equal footing;
- (b) resolving disputes expeditiously;
- (c) promoting amicable settlement of disputes;
- (d) saving costs, effort and FAP resources;
- (e) ensuring that its procedures are accessible, simple and easy to understand or participate in;
- (f) enforcing compliance with its rules, directions and rulings.

1.2. The parties to FAP proceedings are required to co-operate, both with each other and with the FAP, to assist the FAP to further its overriding objective.

1.3 At all stages the parties' duty of co-operation shall extend to making a reasonable search or check for, preserving and supplying relevant evidence to the other parties and to the FAP where this tends to undermine their own case or assist the case of another party, bearing in mind the grounds that the FAP will consider.

1.4 The FAP shall actively manage cases so as to further the overriding objective. It may in particular, upon the application of the parties or on its own initiative:

- (a) identify the issues that it requires to resolve and the parties it will hear;
- (b) exclude issues or evidence from consideration;
- (c) determine the order in which issues will be resolved;
- (d) stay proceedings, adjourn or bring forward hearings;
- (e) combine or split up sets of proceedings;
- (f) encourage or assist the parties to settle the dispute informally;
- (g) give procedural directions and set timetables;

(h) proceed without the participation of a party if that party has failed to attend or co-operate;

(i) make use of technology; and

(j) adapt, vary or waive compliance with any of its own time limits or procedures if and to the extent necessary in the interests of fairness or justice in a particular case.

1.5 The FAP cannot vary any procedure or non-extensible time-limit which is fixed by the Federal Constitution. Nor can it extend any time limit for appealing to it which is contained in a rule compatible with and duly made under the Federal Constitution, which confers jurisdiction upon it in a particular case.

Entry into force and transitional provision

1.6 The FAP shall follow these Rules, which shall replace the previous set of published procedures, from the date of their adoption by Conference.

1.7 Where matters are pending at the date of adoption, decisions made under the previous published procedures shall remain effective, as if they had been authorised by these rules. However, these rules of procedure shall apply to govern the handling of pending matters from the date of adoption.

Interpretation

1.8 References to article numbers are to article numbers in the Federal Party Constitution (and to those articles as subsequently amended or renumbered). Unless the context requires otherwise, the singular includes the plural and vice versa, and words of one gender include all persons.

1.9 Text in square brackets does not form part of these Rules of Procedure and is included for guidance or information only. It may be updated or removed administratively by the FAP in the interests of clarity. If articles of the Federal Party Constitution are renumbered, the cross-references in these Rules may in the interests of clarity be updated administratively by text in square brackets to refer to the new numbering, without being re-confirmed by Conference.

2. Lodging an Application

2.1 Any party seeking a ruling from the FAP ('the Applicant') must lodge their request ('Application') with the Registrar, on any relevant application form published on the Party website in accordance with any guidance published by the FAP.

2.2 If the request for a ruling impugns a particular act, omission/default, ruling or decision by a person or body, the application form must be lodged within 6 weeks of the act, omission, ruling or decision that is challenged. The Case Manager may extend this time limit in exceptional circumstances.

[The Case Manager is the member of the FAP who initially reviews and manages the case, appointed under rule 3.3 below.]

2.3 If an Application is brought in accordance with a provision of the Constitution setting a shorter time limit, or a provision of constitutional subordinate rules or regulations setting a shorter time limit, the application or appeal must be made within that timescale.

[The Article 23 Complaints Procedures approved in 2019, the Presidential Elections Regulations and the Leadership Election Regulations set 14 day time limits for appeals to the Federal Appeals Panel. It may be open to parties to argue whether time limits are constitutional.]

2.4 The Application must indicate clearly and concisely:

- (a) who the Applicant is, their State Party and their contact e-mail address;
- (b) which ground of Article 22.3 of the Federal Party Constitution is alleged to give the FAP jurisdiction;
- (c) what the dispute relates to;
- (d) in the case of a reference from a State Appeals Panel, the issue that has arisen and the necessary context;
- (e) any act, omission/default, ruling or decision which is being challenged or appealed; its date; and the person(s) or body who made or were responsible for it and the Applicant is alleging were at fault or in error;

[E.g. the complaints panel that made a ruling the Applicant wishes to

appeal. Note: this person is likely to be the First Respondent to the application or appeal.]

(f) any other person(s) or party body whom the Applicant considers particularly affected by or interested in the outcome of the Application and their contact details, where known;

[E.g. the complainant, prosecuting party and respondent will be affected by an appeal against a decision of a complaints panel. These persons may be Respondents to the application or appeal]

(g) if the request for a ruling is made after the relevant deadline, any application to extend time which must give an explanation and good reason for such extension;

(h) any procedural directions that the Applicant would like the FAP to make, with an explanation why;

(i) what ruling(s) the Applicant would like the FAP to make;

(j) the grounds for the Application (i.e. why the FAP should make the ruling(s) sought); and

(k) any other details specified in any relevant form or guidance published on the Party website from time to time.

The Applicant must include a copy of any decision that is challenged and any relevant notes or official minutes of this, as well as any other supporting materials or evidence specified in the FAP's relevant form or guidance.

3. Administration of Applications received

3.1 The Registrar shall acknowledge the date of receipt of the Application. They may check that any Application is in a form which is both coherent and acceptable to the Applicant, and may request further information in order to identify whether the FAP has jurisdiction and who the appropriate Respondents may be. If the Application appears to be out of time and this has not been addressed, the Registrar may so inform the Applicant who may be permitted a further 14 days if they wish to make representations as to why time should be extended. In the case of an appeal from a decision, the Registrar shall ensure that the FAP has a complete set of the material before the person or body who made that decision.

3.2 Where a party or prospective party to an Application is not a member of the Party (for instance in the case of an appeal from a complaint by a member of the public), they may before being permitted to participate in the proceedings be required to consent in writing to the jurisdiction of the FAP; to keep information received in connection with the proceedings confidential, use it for the sole purpose of participation in the proceedings, and delete or destroy it when no longer necessary for that purpose; to the handling of their data by the Party; and to be bound by these rules.

Case Manager

3.3 The case shall be allocated by the Chair to a person designated as Case Manager, who may be their self or any other member of the FAP. The Chair may designate Case Managers and permit cases to be allocated administratively to them by a rota or standing arrangements, subject always to the control and discretion of the Chair to allocate any particular case to or away from a particular person in the interests of the efficient management of the FAP or the effective and fair handling of that particular case.

3.4 The Case Manager may:

- (a) seek further information from the Applicant;
- (b) determine the appropriate Respondent(s), request the Registrar to notify them of the application and request information or invite submissions from them;
- (c) grant or refuse permission to proceed with the Application in accordance with rule 4; and
- (c) determine the procedures to be used, and the issues to be adjudicated, by any Case Panel appointed to determine the case.

3.5 The Case Manager may give informal advice, and may recommend (and, if so, assist) with mediation; however, if the Case Manager conducts an unsuccessful mediation, they may take no further part in the determination of the complaint, and the Chair shall appoint a different Case Manager.

4. Permission Stage

4.1 Once an Application has been lodged, the Case Manager shall consider whether it is within jurisdiction and should be granted permission to proceed.

4.2 The FAP only has the jurisdiction conferred on it by the Federal Party Constitution. It is in most areas of its jurisdiction a tribunal of last resort. It will be careful not to hear disputes which are outside its jurisdiction, including where another remedy exists that has not been exhausted, such as an appeal to a State Party body.

4.3 The FAP will not grant permission to proceed with any Application that is untimely, vexatious, frivolous or insubstantial, not properly arguable on the evidence with a realistic prospect of success, academic, or is made when alternative remedies elsewhere have not been exhausted.

4.4 The FAP will not grant permission to proceed with an Application if it is highly likely the points taken would not have affected the outcome for the Applicant, unless there is some compelling reason why the application should be heard.

4.5 The Case Manager shall determine:

(a) whether an Application shall have permission to proceed to a Case Panel hearing, and in

doing so shall consider

(i) whether or not the case falls within the jurisdiction of the FAP;

(ii) whether the Application is untimely, vexatious, frivolous, insubstantial or academic;

(iii) whether the Applicant has exhausted their remedies elsewhere;

(iv) whether the Application discloses a properly arguable case; and

(v) whether it is highly likely that the outcome for the Applicant would have been the same and if so whether there is a compelling reason to proceed to determine the case; and

(b) the timetable and preliminary procedures for that case.

4.6 In respect of any misconduct appeal from the Complaints Procedures set out in Article 23 of the Constitution, the Case Manager will only grant permission to proceed to a determination by a Case Panel where the appellant can demonstrate that it is arguable that:

(a) there was a serious failure of process or reasoning that was likely to render the determination of the complaint unsafe or unsatisfactory in all the circumstances; or,

(b) relevant evidence, which could not reasonably have been adduced at the time of the determination of the complaint, has since come to light which is likely to render the determination of the complaint unsafe or unsatisfactory in all the circumstances; or.

(c) the sanction determined was manifestly excessive or manifestly lenient in all the circumstances.

[‘Manifestly’ means clearly outside the range of reasonable sanctions. This rule relates to appeals brought under the 2019 Complaints Procedures, which formerly provided for appeal to the Federal Appeals Panel. Note that new Complaints Procedures with effect from 20 September 2021 established a separate Appeals Panel for complaints, whose decisions are final under paragraph 7.5 of those new procedures: see <https://www.libdems.org.uk/complaints-procedure>]

4.7 The Permission Stage is intended solely to sieve out and swiftly determine cases that do not merit a full Case Panel hearing. Respondents will be notified that an application has been lodged, but shall not be required or expected to make any representations at the permission stage. The FAP may however have regard to any representations that are made from Respondents addressing the Permission Stage tests and, where those raise issues that the Applicant has not had an opportunity to comment on, will invite comments from the Applicant where necessary in the interests of fairness.

4.8 A determination by the Case Manager at the Permission Stage is final and binding; it is not subject to a further appeal. It must be accompanied by reasons, which may be brief.

4.9 The target timeframe for determining an Application shall, unless the Case Manager extends this, be 3 months from the date of its being lodged, and a timetable shall be set accordingly.

4.10 If a party does not co-operate with the timetable or other directions given, or does not participate in the proceedings, the FAP may proceed in their absence or in the absence of evidence or representations that were to have been filed by a missed deadline.

5. Independence of Case Manager and Case Panel

5.1 The members of the FAP to hear a particular case ('Case Panel') shall be selected by the Chair, in accordance with Article 22.4 of the Federal Party Constitution.

5.2 Unless application of the Federal Party Constitution compels it, the Chair shall not select a member as Case Manager nor appoint a member to hear an application if they have any personal connection to the parties or personal involvement in the subject of a particular dispute.

5.3 If it emerges that a Case Manager or member of the Case Panel has a personal connection to or involvement with a party or to the subject of the dispute, they must declare this as soon as they become aware of the connection or involvement, and if they do not choose to recuse themselves forthwith, then:

(a) they must give the parties a fair opportunity to ask questions about the connection or involvement,

(b) they must ask all parties if they have any objections, and

(c) they must recuse themselves unless all the parties waive any objection.

If a member has recused themselves, then the Chair shall either select a substitute or, if at least 3 members remain, then the remaining members may continue to determine the case.

6. Records and Communications

6.1 Communications between parties and the FAP must be conducted through the Registrar, who shall keep a record of the communications.

6.2 The FAP shall not entertain any representations about the substance of a case before it that are not conducted in writing through the Registrar or at a hearing.

6.3 All parties to a dispute shall normally be entitled as of right to copies of representations made by other parties and rulings made by the FAP, if they request these from the Registrar, unless the FAP otherwise directs in the interests of justice.

6.4 The FAP may publish on the Party website a list of the cases pending before it, the names of the parties, and a short summary of the issues raised in the pending application or appeal.

6.5 The FAP may redact or restrict the circulation of sensitive or personal information where this is compatible with fairness and the interests of transparency are outweighed by other considerations.

6.6 The parties to any case before the FAP must keep all information and documents received in connection with the proceedings strictly confidential and use them for the sole purpose of the proceedings.

6.7 Communications must be conducted directly between the parties and the FAP, and cannot be conducted with third party agents (save where necessary for instance to have the assistance of a carer, translator or sign language interpreter) or solicitors.

6.8 FAP determinations shall be published, at least in summary form, on the Party website and in a report to Conference. The form of publication shall be determined by the FAP. Sensitive or personal information may be redacted where the interest in confidentiality outweighs the presumption in favour of transparency. The parties may make representations as to the form of publication after a ruling has been delivered.

7. General Procedures

7.1 Upon permission being granted, the Applicant shall where necessary be directed by a deadline to provide a detailed Statement of Grounds and any further supporting evidence to the FAP (through the Registrar) and to the Respondents. They shall be entitled to state that they wish to let their Application stand as their Statement of Grounds. The Applicant shall also provide any further additional material falling to be disclosed under rule 1.3 above.

7.2 The Respondents shall be directed by a deadline to provide their own Response to the FAP (through the Registrar) and to the other parties, setting out which aspects of the Application are conceded or contested, and the detailed grounds for resisting each of the grounds of the Application. They must provide any documentary evidence on which they rely with their Response. The Response must be on any form published for the purpose on the Party website and accord with any guidance published on the website. The Respondents shall also provide any further additional material falling to be disclosed under rule 1.3 above.

7.3 The Applicant shall have an opportunity to file any representations or evidence in response to new points raised by the Respondents.

7.4 The Case Manager may determine that a case may be dealt with by the FAP in writing, where all the parties agree or where there are no significant factual

disputes. If an Application is not contested, or there is no real prospect of its being successfully defended, the Case Manager may finally determine the matter themselves without convening a Case Panel.

7.5 Where a dispute turns on the interpretation of the Federal Party Constitution or some other document, the Case Manager may subject to any provision of the Federal Party Constitution give a preliminary determination themselves, which shall become final and binding unless it is appealed to a full Case Panel within 14 days. In that event, the Case Panel hearing the appeal shall not include the Case Manager.

7.6 The FAP shall ensure that the procedures adopted to hear a case are fair, and in particular:

(a) it shall ensure that the time allowed to make representations or submit material is fair and reasonable;

(b) it shall ensure that parties are treated fairly as between each other;

(c) it shall ensure that all parties have an opportunity to respond to relevant points made by opposing parties; and

(d) if it is minded to find against a party by reference to a factual matter not already squarely in issue in the case, or by reference to an argument not previously canvassed, it shall provide the party with a fair opportunity to address it on that point.

8. Succession

8.1 Where a new FAP is elected by Conference, but there are outstanding determinations before the old elected FAP, members of the old FAP will in the first instance retain jurisdiction to deal with those matters until they are finally determined, unless due to resignation, other commitments or illness it is impossible for that to occur.

8.2 In the event that the Chair resigns, dies or is through illness unable to perform their functions, the remaining members of the FAP shall as soon as practicable elect a new Chair from amongst those members elected by the Federal Board in accordance with Article 22.1, pending which the functions of the Chair may be exercised by the Vice-Chairs. In the event of the illness, death, resignation or unavailability of a member of the FAP other than the Chair who is

the Case Manager of or sits on a Case Panel for a pending case, the Chair may select a substitute and may, where necessary, require a case to be re-heard. Vacancies may be filled in accordance with Articles 22.1 and 22.2 of the Constitution.

9. Procedural applications and objections

9.1 The parties may at any time apply to the FAP for procedural directions, or to vary any directions already made.

9.2 Applications for a procedural direction, or to vary one already made, should be submitted as soon as possible to avoid prejudice to other parties or the FAP's schedule. If there has been delay, the application should explain why this took place, and be accompanied by any supporting evidence.

9.3 Members of the Liberal Democrats, AOs, SAOs, party officers or party bodies not currently a party to a case may apply to be added as a party, or to submit representations by way of intervention. They must state what their interest is, and what they propose to say. The Case Manager may permit their participation having regard to how far they are affected, whether submissions would be helpful, and the impact of such intervention on the timetable and on the current parties. A direction permitting participation may subject this to limits, conditions or deadlines.

9.4 The parties may apply to object to the fairness of the FAP's procedures at any time. Final determinations by the Case Manager and/or Case Panel on the substance of the case are binding and are not subject to further appeal or rehearing, so any party prejudiced by an alleged unfairness must raise this as soon as possible and state what they propose as the remedy.

9.5 Applications under this part of the procedure rules must state what ruling they would like the FAP to make, and why, be supported by evidence where appropriate (e.g. when requesting an extension of time), and (unless they are made at a hearing) be made in writing and on any form published for the purpose on the Party website.

9.6 Applications for procedural directions must normally be made with notice to the other parties so that they have 3 clear working days to respond before a decision is made. For instance, an application shall be submitted to the FAP and copied to the other parties on a Tuesday if it is to be considered the following Monday. The FAP may make exceptions but only for good reason.

9.7 The Registrar will routinely make copies of procedural applications available for a response by other parties. Exceptionally, there may be occasions where this would defeat the purpose of the application (e.g. an application for permission to withhold sensitive personal information from another party), in which case the application must clearly state this and inform the Registrar accordingly. The Case Manager will determine whether an application shall be decided without hearing from another party, and will only permit this where it does not compromise the fairness of the proceedings.

10. Hearings

10.1 Where necessary to resolve any significant dispute of fact, or if the FAP's determination would be assisted by oral submissions, the Case Manager shall direct that a hearing be held.

10.2 Hearings may take place in person, virtually through the use of information technology, or by some hybrid of these, in a fair and accessible manner. If parties have difficulties in participating in physical or virtual hearings for any reason (such as where they have a disability that requires reasonable adjustments, or problems with their home broadband), they should inform the Registrar and submit a procedural application explaining how they consider they could be assisted to participate.

10.3 The members and chair of the Case Panel that will hear the case shall be selected by the Chair of the FAP.

10.4 The chair of the Case Panel shall be responsible for the procedure at the hearing, in accordance with these rules. At the oral hearing, procedural applications or objections must be made to the Case Panel.

10.5 The procedure at an oral hearing shall normally follow that set out in the Appendix to these rules. A copy shall be provided to the parties before the start of the hearing, together with any proposed deviations from the normal procedure.

11. Determinations

11.1 After a Case Panel has been constituted, following or in the absence of an oral hearing the chair of a Case Panel or other person authorised by the chair shall

produce a draft determination for approval by the other members of the Case Panel. Such draft determination shall also be sent to the Chair of the FAP and Registrar by way of consultation on matters of law and procedure (but not fact), and the Case Panel shall have regard to any comments they make.

11.2 All determinations shall be reasoned. They shall summarise what the Case Manager or Case Panel members consider to be the principal facts and arguments, and explain why the Case Manager or Case Panel are making their ruling. The determination, or a summary thereof, shall be made available to all parties within 21 days of any oral hearing.

11.3 The parties shall have an opportunity to make submissions as to the form in which the determination shall be published. They may also make representations as to any obvious errata, such as errors of names, facts or dates not in dispute, or typographical errors. Save for corrections of errata, the determination shall be final.

12. Grounds on which the FAP will interfere with decisions

12.1 The FAP not a policy-making body. It is not a democratically elected rule-making body. It is not an elected executive body of the Party. It is a creature of the Federal Party Constitution. The FAP's function is supervisory: to interpret and enforce the Constitution, and protect members' rights under the Constitution. The FAP may imply terms into the Constitution or subordinate rules, regulations or procedures where this is necessary or must have been intended. Only Conference may rewrite the Constitution.

12.2 The FAP shall not normally interfere with acts, omissions, decisions, rules, practices or procedures save where these are not permitted by or in conflict with the Constitution. This may arise in the following circumstances (which are not intended to be an exhaustive list):

- (a) conflict with the Constitution or subordinate rules, regulations or procedures;
- (b) procedural or substantive unfairness or impropriety;
- (c) apparent bias or closed mind;
- (d) unjustified or arbitrary breach of a legitimate expectation;
- (e) proceeding upon a misunderstanding of the law; the Constitution, rules, regulations or procedures; of a person or body's role within the Party; or of uncontroverted facts;
- (f) acting for an improper purpose;

- (g) having regard to irrelevant matters or failing to have regard to relevant matters;
- (h) unreasonableness or irrationality in all the circumstances;
- (i) failure to give any or any adequate reasons where those are required.

12.3 The FAP will not interfere with a decision on the grounds that excessive or insufficient weight was placed on a particular factor in the decision-making, where an evaluative judgment was required and the factor was a legitimate one to consider, unless weight is dictated by the Constitution or subordinate rules and regulations, or the judgment was unreasonable. Nor will it normally interfere with factual findings by other adjudicative bodies unless those findings could not reasonably have been arrived at on the evidence before those bodies.

12.4 Where the FAP is entrusted with an appeal jurisdiction (such as in a misconduct case from a Complaints Panel), which is not a full rehearing of the merits of the case, it will interfere with the decision under appeal where:

- (a) there was a serious failure of process or reasoning that was likely to render the determination of the complaint unsafe or unsatisfactory in all the circumstances;
- or
- (b) relevant evidence which could not reasonably have been adduced at the time of the determination of the complaint, has since come to light which is likely to render the determination of the complaint unsafe or unsatisfactory in all the circumstances; or
- (c) the sanction determined was manifestly excessive or manifestly lenient in all the circumstances.

[Note that the FAP has an appeal jurisdiction in legacy cases appealed under the 2019 Complaints Procedures, but does not have an appeal jurisdiction in respect of decisions under the 2021 Complaints Procedures]

13. Remedies

13.1 The FAP may in its final decisions make declarations (including declarations that a rule, regulation, procedure, practice, act, omission or decision is invalid or unauthorised by or under the Federal Constitution and must be set aside), and give directions to do or refrain from doing something.

13.2 The FAP shall not make monetary awards, whether of costs, damages or compensation.

13.3 The remedy available on a successful appeal from the Article 23 Complaints Procedures is limited to a direction remitting the case back for a fresh Complaints Panel to rehear under the Article 23 procedures, together with any further direction that is considered appropriate or necessary in that respect.

[This rule relates to appeals launched under the 2019 Complaints Procedures.]

14. Status of Decisions

14.1 A final determination of the FAP is final and binding upon all members of the Party concerned, pursuant to Article 22.7 of the Federal Party Constitution. This means in particular that the FAP cannot re-open a particular decision once a final ruling has been issued.

14.2 Among the fundamental values underpinning the Liberal Democrats' Federal Party Constitution are respect for the rule of law and good governance, respect for our democratically accountable Party institutions, and individual justice. If a party to a case knowingly or recklessly fails to obey or abide by a specific ruling in a particular case, that conduct is inconsistent with the fundamental values of the Party for the purpose of Article 3 of the Federal Party Constitution. It may constitute grounds for complaint, sanction or revocation of membership.

14.3 Federal Party Conference may overrule any determination of the FAP on a point of interpretation by amending the Constitution or subordinate rule, regulation or procedure concerned, and members of the Party are free to campaign for this provided that they abide by the determination.

14.4 The FAP shall not be bound by points of interpretation determined in its previous rulings, and a party in a subsequent case may argue that a previous case was wrongly decided; however the FAP will follow its own previous rulings of which it is aware, unless it is satisfied that they were wrong.

14.5 Any party to proceedings before the FAP may rely on previous rulings of the FAP, but they must provide the FAP and all other parties with copies of all relevant rulings relied upon in good time, as well as all those determinations at least arguably adverse to their own case.

APPENDIX TO THE RULES OF PROCEDURE OF THE FEDERAL APPEALS PANEL

Normal Process during an Oral Hearing

1. Any party may be assisted or represented by a friend, who may be a lawyer and may speak for the party at any time. If they both choose to speak, they should avoid repeating points already made by the other person.
2. Normally, the Applicant will speak first, to put their case. This should address any issues that have been identified as important in advance by the Case Manager or Case Panel.
3. The Applicant may call witnesses as to disputed fact only, although these may also give their evidence in written form. An appeal from a Complaints Panel is not a fresh re-hearing and the FAP would not normally hear evidence unless this could not reasonably have been adduced at the time of the Complaints Panel hearing.
4. Each Respondent or representative may cross-examine a witness, the friend or the Applicant, as permitted or directed by the Chair of the Case Panel.
5. The case for the Applicant should not last longer than 45 minutes, unless the Chair believes that the case has not been properly put in this time.
6. The Respondents shall speak next and have equivalent rights as to witnesses, a representative to aid her or him and time limit.
7. The Applicant may also cross-examine as permitted or directed by the Chair of the Case Panel.
8. Members of the Case Panel may ask for clarification or cross-examine at any time. They may warn parties or their representatives not to repeat points and curtail any arguments that are irrelevant or simply repetitious. They may also, following a warning, refuse to hear anyone who persistently acts in a disruptive or unruly way.
9. Each side may sum up, taking no more than five minutes. The Applicant shall speak last.
10. The Case Panel will then consider their conclusion.