

Oral Hearings - Guidelines on the conduct of pre-hearings and hearings

Paragraph 3.10 of Annex 2 of the 12th Edition of the PhonepayPlus Code of Practice (the “Code”) states:

The Chairman shall generally conduct the pre-hearing process and the hearing itself as set out in the guidelines published on the PhonepayPlus website. However he shall have the power to conduct the pre-hearing process and the hearing as he sees fit according to the interests of justice, including deciding to adjourn the hearing.

For the purposes of the above paragraph of the Code, the pre-hearing and hearing processes are set out below:

Pre-hearing process

a) The Chairman will give such directions as he considers necessary for the fair and speedy hearing of the oral hearing. Such directions may include, for example, directions for:

- the exchange of statements of case,
- the admission of facts before the hearing,
- the disclosure of documents,
- the provision of expert reports,
- the exchange of witness statements,
- the preparation of agreed bundles of documents,
- the submission and exchange of outline arguments,
- the provision of security for the administrative charges of PhonepayPlus.

b) The Chairman may convene a conference for the purpose of providing directions or may deal with directions by correspondence or phone, as he sees fit.

c) Not less than 10 working days before the date of the oral hearing, the applicant shall be notified in writing (at the address of the applicant last made known to PhonepayPlus) of the day, time and place of the oral hearing.

d) Within five working days of receipt of the notice specifying the date of the hearing, the applicant shall inform the Executive in writing of whether he intends to appear in person at the hearing, and the name of any person who will be representing him at the hearing.

e) The Chairman may vary any of the time limits set out in these procedures.

The hearing

1. In respect of alleged breaches of the Code of Practice:

- a) The Executive shall outline the grounds of the case, and call such witnesses and refer to such documents as it is entitled to do.

b) The applicant shall then be entitled to respond to the case put by the Executive and to call such witnesses or present any written statements or other documents as he is entitled to do.

c) The Executive shall then be entitled to address the hearing panel.

d) The applicant shall be entitled to reply.

e) A witness in person may be cross-examined. A witness who has been cross-examined may be re-examined.

f) The Chairman of the Tribunal may question any witness at any time.

2. In respect of a case concerning an application for permission, the Chairman shall adopt such procedures as he shall deem to be most convenient.