**Practice Note 2:**

**Appeals**

**Introduction**

In any matter before the ITNJ, the ITNJ has the discretion to vary the operation of a Practice Note by direction or order.

This Practice Note should be read in conjunction with the Policies and Procedures and all other Practice Notes issued by the ITNJ.

**Application for Appeal**

Every Application for Appeal should be made in accordance with **Form 3 (See Annexure A to this Practice Note)**.

For the purpose of filing applications, the ITNJ’s details are as follows:-

Post??

Fax??

Email: Registrar@itnj.org

If an Application for Appeal is not made in accordance with Form 3, Policies and Procedures and all Practice Notes, the ITNJ has the discretion to not consider this application.

If an Application for Appeal is not made within the timeframe set out in part 6 of the Policies and Procedures, an explanation for this delay must be provided. If the delay is substantial, the ITNJ must be provided with ample explanation as to why the Application was not made sooner. If the ITNJ is satisfied that the extension of time should be allowed, the Application for Appeal will be considered. However the ITNJ has the discretion to refuse an Application for Appeal on the basis that the time for lodging this Application has expired, or on the basis that the Application for Appeal is an abuse of process.

**Service of Application for Appeal**

Service of the Application for Appeal must be made in accordance with Part 6, paragraph 6.02 of the Policies and Procedures.

**Right of Response**

Upon receipt of a notice of appeal, a respondent has 14 das to provide a written response to an appeal.

A written response needs to be filed with the ITNJ and served upon the Appellant.

The respondent’s response should set out the reasons that the Application for Appeal should be refused, as well as any terms upon which the Appeal should be allowed (i.e. costs, date, duration etc).

After receipt of the respondent’s response, it is within the discretion of the ITNJ to request further submissions from the appellant. Where the ITNJ does not request further submissions, no such submissions will be considered.

**Granting an Appeal “On Terms”**

The ITNJ will write to the appellant and the respondent advising of the terms (if any).

**Application Referred for Oral Hearing**

In cases where the appeal cannot be considered “on paper”, the appeal will be referred for oral hearing. Both parties will be notified of the hearing date by the ITNJ.