

APPEAL AGAINST REFUSAL TO GRANT STANDARD LICENCE –
Determination of the Adjudicator varied by consent so as to provide for the
grant of a licence to the Appellant on terms agreed and approved by the
Tribunal – No order made as to costs

IN THE CONSUMER CREDIT APPEALS TRIBUNAL

Case No. CCA/2008/0003

BETWEEN:

ROAD ANGELS NON-FAULT ACCIDENT MANAGEMENT LIMITED

Appellant

- and -

THE OFFICE OF FAIR TRADING

Respondent

Date of hearing: 28 November 2008

**Venue of hearing: The Tribunal Service, Phoenix House, 1-3 Newhall Street,
Birmingham B3 3NM.**

**Tribunal: Mr. Keith Rowley Q.C. (chairman)
Ms. Sue Ward
Mr. Anthony Wilding**

Appearances:

**For the Appellant: Mr. Trevor Berriman, instructed by Hussain Solicitors
Limited**

For the Respondent: Mr. Andrew Paton

DECISION

1. This is the unanimous decision of the above-mentioned Tribunal.
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2. By a notice of appeal dated 14 July 2008 Road Angels Non-Fault Accident Management Limited (“the Appellant”) appealed against the Determination dated 18 June 2008 (“the Determination”) of Ms. Alison Spicer, acting as an adjudicator on behalf of the Office of Fair Trading (“the OFT”), refusing the Appellant’s application dated 5 July 1974 for a standard licence under the Consumer Credit Act 1974 (“the 1974 Act”).
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3. The appeal proceeded in accordance with the provisions of the Consumer Credit Appeals Tribunal Rules 2008, S.I. No. 668 of 1998, and directions given by His Honour Judge Wulwik, the President, on 8 September and 6 October 2008 respectively.
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4. The appeal was listed for hearing before us on 28 November 2008. Shortly before we were due to sit that morning, however, we were informed jointly by Mr. Berriman on behalf of the Appellant and Mr. Paton on behalf of the OFT, via the Secretary, that the parties were engaged in discussions which might render a substantive hearing of the appeal unnecessary.
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5. At their request, we granted the parties time to continue those discussions. The result was that, when we did sit, they jointly invited us to exercise our power under paragraph 12 of Schedule A1 of the 1974 Act so as to vary the Determination by directing the OFT to issue a standard licence under the 1974 Act to the Appellant, limited to consumer credit business and consumer hire business, but excluding canvassing off trade premises. On that basis, the parties also invited us to make no order in respect of the costs of the appeal.
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6. Having adjourned to consider the matter, and all three members of the Tribunal having previously read and carefully considered the material in the bundle of documents prepared for the appeal, we decided to accede to the parties' invitation. We therefore:

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(1) vary the Determination by directing that the OFT do issue a standard licence under the 1974 Act to the Appellant, limited to consumer credit business and consumer hire business, but excluding canvassing off trade premises,

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(2) direct there be no order for costs in respect of the appeal.

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**KEITH ROWLEY Q.C.
CHAIRMAN**

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