



**DECISION OF THE UPPER TRIBUNAL  
BY**

**SHERIFF O'CARROLL**

**IN THE CASE OF**

Mr Alban Bartley-Jones, 18 West Benhar Road, Harthill, Shotts, ML7 5PB

Appellant

- and -

Mrs Shyla Sathiya Kumar, 4 Etna Court, Armadale, EH48 2TD

Respondent

FTS Case reference: FTS/HPC/CV/22/0672

2 November 2023

**Decision**

**The appeal by the Appellant against the decision of the FTS dated 9 August 2023 to refuse his motion to recall the decision of the FTS dated 26 June 2023 is refused.**

**Reasons**

1. This is an appeal by the Appellant against the decision of the FTS dated 9 August 2023 to refuse his motion to recall the decision of the FTS dated 26 June 2023. A hearing of this appeal was fixed for today's date by way of Webex at 9.30. That date and time was intimated to both parties by email together with the appropriate Webex link and instructions. A reminder was sent to the parties prior to the hearing. The clerk to the tribunal made strenuous efforts to contact both parties shortly before the hearing was due



to start with no success. Neither party was present or represented at the start of the hearing. No explanation was provided by either of the parties for their non-appearance. At 9.45, I refused the appeal for the following reasons.

2. Having considered the grounds of appeal together with the decision of the FTS dated 9 August 2023, the decision against which appeal was taken (to refuse to recall its earlier decision) and the decision of the FTS dated 12 September 2023 (refusing leave to appeal against the decision of 9 August 2023), I can see no arguable error of law in either decision. In my view, the FTS was not only entitled to refuse the Appellant his motion for recall of the FTS's earlier decision of 26 June 2023, it was obliged to by the Rule 30 of the Rules of Procedure, the FTS having previously recalled an earlier decision on 20 June 2023. In both instances, the Appellant had failed to attend a hearing of the FTS despite having been given proper notice. The reasons given by the FTS in both decisions are sound and I adopt them.
3. Leave to appeal is therefore refused. The appeal is dismissed.

**Member of the Upper Tribunal**