



# Tribunals, Courts and Enforcement Act 2007

## 2007 CHAPTER 15

### PART 1

#### TRIBUNALS AND INQUIRIES

### CHAPTER 2

#### FIRST-TIER TRIBUNAL AND UPPER TRIBUNAL

#### *Review of decisions and appeals*

### **11 Right to appeal to Upper Tribunal**

- (1) For the purposes of subsection (2), the reference to a right of appeal is to a right to appeal to the Upper Tribunal on any point of law arising from a decision made by the First-tier Tribunal other than an excluded decision.
- (2) Any party to a case has a right of appeal, subject to subsection (8).
- (3) That right may be exercised only with permission (or, in Northern Ireland, leave).
- (4) Permission (or leave) may be given by—
  - (a) the First-tier Tribunal, or
  - (b) the Upper Tribunal,on an application by the party.
- (5) For the purposes of subsection (1), an “excluded decision” is—
  - (a) any decision of the First-tier Tribunal on an appeal made in exercise of a right conferred by the Criminal Injuries Compensation Scheme in compliance with section 5(1)(a) of the Criminal Injuries Compensation Act 1995 (c. 53) (appeals against decisions on reviews),

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- (b) any decision of the First-tier Tribunal on an appeal under section 28(4) or (6) of the Data Protection Act 1998 (c. 29) (appeals against national security certificate),
  - (c) any decision of the First-tier Tribunal on an appeal under section 60(1) or (4) of the Freedom of Information Act 2000 (c. 36) (appeals against national security certificate),
  - (d) a decision of the First-tier Tribunal under section 9—
    - (i) to review, or not to review, an earlier decision of the tribunal,
    - (ii) to take no action, or not to take any particular action, in the light of a review of an earlier decision of the tribunal,
    - (iii) to set aside an earlier decision of the tribunal, or
    - (iv) to refer, or not to refer, a matter to the Upper Tribunal,
  - (e) a decision of the First-tier Tribunal that is set aside under section 9 (including a decision set aside after proceedings on an appeal under this section have been begun), or
  - (f) any decision of the First-tier Tribunal that is of a description specified in an order made by the Lord Chancellor.
- (6) A description may be specified under subsection (5)(f) only if—
- (a) in the case of a decision of that description, there is a right to appeal to a court, the Upper Tribunal or any other tribunal from the decision and that right is, or includes, something other than a right (however expressed) to appeal on any point of law arising from the decision, or
  - (b) decisions of that description are made in carrying out a function transferred under section 30 and prior to the transfer of the function under section 30(1) there was no right to appeal from decisions of that description.
- (7) Where—
- (a) an order under subsection (5)(f) specifies a description of decisions, and
  - (b) decisions of that description are made in carrying out a function transferred under section 30,
- the order must be framed so as to come into force no later than the time when the transfer under section 30 of the function takes effect (but power to revoke the order continues to be exercisable after that time, and power to amend the order continues to be exercisable after that time for the purpose of narrowing the description for the time being specified).
- (8) The Lord Chancellor may by order make provision for a person to be treated as being, or to be treated as not being, a party to a case for the purposes of subsection (2).

**Modifications etc. (not altering text)**

- C1** S.11 applied (1.9.2009) by [The Transfer of Functions \(Transport Tribunal and Appeal Panel\) Order 2009 \(S.I. 2009/1885\)](#), art. 4(4), **Sch. 4 para. 3**
- C2** S. 11 excluded (1.4.2009) by [1970 c. 9, s. 19A\(11\)](#) (as substituted by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 3, **Sch. 1 para. 8(5)(b)**)  
S. 11 excluded (1.4.2009) by [1970 c. 9, s. 55\(6A\)](#) (as substituted by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 3, **Sch. 1 para. 34(8)**)  
S. 11 excluded (1.4.2009) by [1988 c. 39, s. 130\(4\)](#) (as amended by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 3, **Sch. 1 para. 164(b)**)

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- S. 11 excluded (1.4.2009) by 1994 c. 9, s. 60(4B) (as substituted by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 3, **Sch. 1 para. 207(6)**)
- S. 11 excluded (1.4.2009) by 1994 c. 23, s. 84(3C) (as inserted by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 3, **Sch. 1 para. 221(5)**)
- S. 11 excluded (1.4.2009) by 1996 c. 8, s. 55(3B) (as inserted by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 3, **Sch. 1 para. 236(6)**)
- S. 11 excluded (1.4.2009) by 2000 c. 17, Sch. 6 para. 122(2B) (as inserted by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 3, **Sch. 1 para. 290(5)**)
- S. 11 excluded (1.4.2009) by 2001 c. 9, s. 41(2B) (as inserted by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 3, **Sch. 1 para. 305(5)**)
- S. 11 excluded (1.4.2009) by 2003 c. 14, Sch. 10 para. 15(6) (as substituted by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 3, **Sch. 1 para. 377(5)**)
- S. 11 excluded (1.4.2009) by 2003 c. 14, Sch. 11A para. 9(6) (as substituted by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 3, **Sch. 1 para. 397(5)**)
- S. 11 excluded (1.4.2009) by 2004 c. 12, s. 253(10) (as substituted by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 3, **Sch. 1 para. 426(5)**)
- S. 11 excluded (1.4.2009) by 2005 c. 5, s. 646(7) (as substituted by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 3, **Sch. 1 para. 441**)
- S. 11 excluded (1.4.2009) by 2008 c. 9, **Sch. 36 para. 32(5)** (as substituted by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), **art. 3**, {Sch. 1 para. 471(10(c))})
- S. 11 excluded (1.4.2009) by S.I. 2003/96, reg. 16(5) (as substituted by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 3, **Sch. 2 para. 83(4)**)
- S. 11 excluded (1.4.2009) by S.I. 2004/2622, reg. 9(5) (as substituted by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 3, **Sch. 2 para. 130(4)**)
- S. 11 excluded (1.4.2009) by S.I. 2007/1509, reg. 7(2) (as substituted by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 3, **Sch. 2 para. 167**)
- C3** S. 11 excluded (21.7.2009) by 2008 c. 9, Sch. 36 para. 6(4) (as inserted by Finance Act 2009 (c. 10), s. 95, **Sch. 47 para. 4**)
- S. 11 excluded (21.7.2009) by 2008 c. 9 Sch. 36 para. 8(3) (as inserted by Finance Act 2009 (c. 10), ss. 95, **Sch. 47 para. 8(3)**)
- C4** S. 11 modified (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 9(2), **Sch. 4 para. 4**
- C5** S. 11 modified (18.1.2010) by The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), **Sch. 5 para. 5(a)**
- C6** S.11(2): power to apply (with modifications) conferred (1.4.2009) by 1999 c. 2, s. 13(2A) (as inserted by The Revenue and Customs Appeals Order 2009 (S.I. 2009/777), **art. 3**)
- S.11(2): power to apply (with modifications) conferred (1.4.2009) by S.I. 1999/671, art. 12(2A) (as inserted by The Revenue and Customs Appeals Order 2009 (S.I. 2009/777), **art. 5**)
- S. 11(2) modified (1.4.2009) by S.I. 1999/1027, reg. 12(2) (as substituted by The Revenue and Customs Appeals Order 2009 (S.I. 2009/777), **art. 6**)
- C7** S. 11(3)(4) applied (1.4.2009) by 1891 c. 39, s. 13A(7A) (as substituted by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 3, **Sch. 1 para. 3(6)**)
- S. 11(3)(4) applied (1.4.2009) by 1970 c. 9, s. 100B(3A) (as substituted by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 3, **Sch. 1 para. 45(4)**)
- S. 11(3)(4) applied (1.4.2009) by 1970 c. 9, s. 100B(4A) (as substituted by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 3, **Sch. 1 para. 46(7)**)
- S. 11(3)(4) applied (1.4.2009) by 1984 c. 51, s. 249(3A) (as substituted by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 3, **Sch. 1 para. 122(3)**)

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S. 11(3)(4) applied (1.4.2009) by 1999 c. 16, Sch. 17 para. 12(2A) (as substituted by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 3, **Sch. 1 para. 283(3)**)

S. 11(3)(4) applied (1.4.2009) by 2002 c. 21, Sch. 2 para. 2(2A) (as substituted by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 3, **Sch. 1 para. 318(3)**)

S. 11(3)(4) applied (1.4.2009) by 2002 c. 21, Sch. 2 para. 4(1A) (as substituted by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 3, **Sch. 1 para. 320(2)**)

S. 11(3)(4) applied (1.4.2009) by 2002 c. 22, Sch. 1 para. 3(4A) (as substituted by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 3, **Sch. 1 para. 322(4)**)

S. 11(3)(4) applied (1.4.2009) by 2002 c. 22, Sch. 1 para. 4(4A) (as substituted by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 3, **Sch. 1 para. 323(4)**)

S. 11(3)(4) applied (1.4.2009) by 2003 c. 14, Sch. 14 para. 6(1A) (as substituted by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 3, **Sch. 1 para. 412(2)**)

S. 11(3)(4) applied (1.4.2009) by 2004 c. 6, s. 21(10A) (as substituted by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 3, **Sch. 1 para. 415(3)**)

#### **Commencement Information**

- II** S. 11 wholly in force at 3.11.2008; s. 11 not in force at Royal Assent see s. 148; s. 11(5)(f)(6)-(8) in force at 19.9.2007 by S.I. 2007/2709, **art. 2(a)**; s. 11(1)-(4)(5)(a)-(e) in force at 3.11.2008 by S.I. 2008/2696, **art. 5(a)**

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