

## SCHEDULE

### THE FIRST-TIER TRIBUNAL FOR SCOTLAND SOCIAL SECURITY CHAMBER RULES OF PROCEDURE 2018

#### PART 4

##### Correcting, reviewing and appealing decisions of the First-tier Tribunal

###### **Review of a decision**

**35.**—(1) A party may request a review of a decision (except an excluded decision) of the First-tier Tribunal on the basis of a point of law.

(2) An application for a review must—

- (a) be made in writing;
- (b) be made within the period of 14 days beginning with the day on which the decision was made or the day that the written reasons were sent to the parties (if later); and
- (c) identify the alleged point or points of law on the basis of which a review is being sought.

(3) If the First-tier Tribunal considers that the application is without merit, the First-tier Tribunal must refuse the application and inform the parties of the reasons for the refusal.

(4) Except where the application is rejected under paragraph (3), the First-tier Tribunal must send a notice to the parties—

- (a) setting a time limit for any response to the application by the other parties and seeking the views of the parties on whether the application can be determined without a hearing; and
- (b) if the First-tier Tribunal considers it appropriate to do so, setting out its provisional views on the application.

(5) Except where the application is rejected under paragraph (3), the decision is to be reviewed at a hearing unless the First-tier Tribunal considers, having regard to all of the responses to the notice provided under paragraph (7), that a hearing is not necessary in the interests of justice.

(6) Where practicable, the review is to be undertaken by one or more of the members of the First-tier Tribunal who made the decision to which it relates.

(7) A notice of the decision on a review under paragraph (4) must as soon as reasonably practicable be sent by the First-tier Tribunal to each party.

(8) A review by the First-tier Tribunal in terms of paragraph (1) does not affect the time limit of 30 days in regulation 2(1) of the 2016 Regulations for making an application for permission to appeal.