
STATUTORY INSTRUMENTS

2008 No. 2685

**The Tribunal Procedure (First-tier Tribunal)
(Social Entitlement Chamber) Rules 2008**

PART 3

Proceedings before the Tribunal

CHAPTER 1

Before the hearing

Cases in which the notice of appeal is to be sent to the Tribunal

22.—^{F1}(1) This rule applies to all cases except those to which—

- (a) rule 23 (cases in which the notice of appeal is to be sent to the decision maker), or
- (b) rule 26 (social security and child support cases started by reference or information in writing),

applies.]

(2) An appellant must start proceedings by sending or delivering a notice of appeal to the Tribunal so that it is received—

- (a) in asylum support cases, within 3 days after the date on which the appellant received written notice of the decision being challenged;
- (b) in criminal injuries compensation cases, within 90 days after the date of the decision being challenged^{F2};
- (c) in appeals under the Vaccine Damage Payments Act 1979, at any time;
- (d) in other cases—
 - (i) if mandatory reconsideration applies, within 1 month after the date on which the appellant was sent notice of the result of mandatory reconsideration;
 - (ii) if mandatory reconsideration does not apply, within the time specified in Schedule 1 to these Rules [^{F3}(time limits for providing notices of appeal in social security and child support cases where mandatory reconsideration does not apply)].]

(3) The notice of appeal must be in English or Welsh, must be signed by the appellant and must state—

- (a) the name and address of the appellant;
- (b) the name and address of the appellant's representative (if any);
- (c) an address where documents for the appellant may be sent or delivered;
- (d) the name and address of any respondent [^{F4}other than the decision maker];
- (e) ^{F5} ...; and

- (f) the grounds on which the appellant relies.
 - (4) The appellant must provide with the notice of appeal—
 - [^{F6}(a) a copy of—
 - (i) the notice of the result of mandatory reconsideration, in any social security and child support case to which mandatory reconsideration applies;
 - (ii) the decision being challenged, in any other case;]
 - (b) any statement of reasons for that decision that the appellant has [^{F7}; and]
 - (c) any documents in support of the appellant's case which have not been supplied to the respondent ^{F8} ...
 - ^{F9}(d)
 - (5) In asylum support cases the notice of appeal must also—
 - (a) state whether the appellant will require an interpreter at any hearing, and if so for which language or dialect; and
 - (b) state whether the appellant intends to attend or be represented at any hearing.
 - (6) If the appellant provides the notice of appeal to the Tribunal later than the time required by paragraph (2) or by an extension of time allowed under rule 5(3)(a) ^{F10}... (power to extend time)—
 - (a) the notice of appeal must include a request for an extension of time and the reason why the notice of appeal was not provided in time; and
 - (b) [^{F11}subject to paragraph (8)] unless the Tribunal extends time for the notice of appeal under rule 5(3)(a) ^{F10}... (power to extend time) the Tribunal must not admit the notice of appeal.
 - (7) The Tribunal must send a copy of the notice of appeal and any accompanying documents to each other party—
 - (a) in asylum support cases, on the day that the Tribunal receives the notice of appeal, or (if that is not reasonably practicable) as soon as reasonably practicable on the following day;
 - (b) in [^{F12}all other], as soon as reasonably practicable after the Tribunal receives the notice of appeal.
- [^{F13}(7A) [^{F14}His Majesty's] Revenue and Customs must, upon receipt of the notice of appeal from the Tribunal under the Childcare Payments Act 2014, inform the Tribunal whether there are any affected parties within the meaning of section 61(5) of that Act other than the appellant and, if so, provide their names and addresses.]
- [^{F15}(8) Where an appeal in a social security and child support case is not made within the time specified in paragraph (2)—
 - (a) it will be treated as having been made in time, unless the Tribunal directs otherwise, if it is made within not more than 12 months of the time specified and neither the decision maker nor any other respondent objects;
 - (b) the time for bringing the appeal may not be extended under rule 5(3)(a) by more than 12 months.
 - [^{F16}(9) For the purposes of this rule, mandatory reconsideration applies where—
 - (a) the notice of the decision being challenged includes a statement to the effect that there is a right of appeal in relation to the decision only if the decision-maker has considered an application for the revision, reversal, review or reconsideration (as the case may be) of the decision being challenged; or
 - (b) the appeal is brought against a decision made by [^{F17}His Majesty's] Revenue and Customs.]]

Textual Amendments

- F1** Rule 22(1) substituted (8.4.2013) by The Tribunal Procedure (Amendment) Rules 2013 (S.I. 2013/477), rules 1(2)(a), **25(a)**
- F2** Rule 22(2)(c)(d) inserted (8.4.2013) by The Tribunal Procedure (Amendment) Rules 2013 (S.I. 2013/477), rules 1(2)(a), **25(b)**
- F3** Words in rule 22(2)(d)(ii) substituted by The Tribunal Procedure (Amendment) Rules 2015 (S.I. 2015/1510), rules 1, **15(a)**
- F4** Words in rule 22(3)(d) inserted (8.4.2013) by The Tribunal Procedure (Amendment) Rules 2013 (S.I. 2013/477), rules 1(2)(a), **25(c)(i)**
- F5** Words in rule 22(3)(e) omitted (8.4.2013) by virtue of The Tribunal Procedure (Amendment) Rules 2013 (S.I. 2013/477), rules 1(2)(a), **25(c)(ii)**
- F6** Rule 22(4)(a) substituted (8.4.2013) by The Tribunal Procedure (Amendment) Rules 2013 (S.I. 2013/477), rules 1(2)(a), **25(d)(i)**
- F7** Word in rule 22(4)(b) substituted (8.4.2013) by The Tribunal Procedure (Amendment) Rules 2013 (S.I. 2013/477), rules 1(2)(a), **25(d)(ii)**
- F8** Word in rule 22(4)(c) omitted (8.4.2013) by virtue of The Tribunal Procedure (Amendment) Rules 2013 (S.I. 2013/477), rules 1(2)(a), **25(d)(iii)**
- F9** Rule 22(4)(d) omitted (8.4.2013) by virtue of The Tribunal Procedure (Amendment) Rules 2013 (S.I. 2013/477), rules 1(2)(a), **25(d)(iv)**
- F10** Words in rule 22(6) omitted (6.4.2014) by virtue of The Tribunal Procedure (Amendment) Rules 2014 (S.I. 2014/514), rules 1, **22**
- F11** Words in rule 22(6)(b) inserted (8.4.2013) by The Tribunal Procedure (Amendment) Rules 2013 (S.I. 2013/477), rules 1(2)(a), **25(e)**
- F12** Words in rule 22(7)(b) substituted (8.4.2013) by The Tribunal Procedure (Amendment) Rules 2013 (S.I. 2013/477), rules 1(2)(a), **25(f)**
- F13** Rule 22(7A) inserted by The Tribunal Procedure (Amendment) Rules 2015 (S.I. 2015/1510), rules 1, **15(b)**
- F14** Words in rule 22(7A) substituted (6.4.2023) by The Tribunal Procedure (Amendment) Rules 2023 (S.I. 2023/327), rules 1, **2(2)(a)**
- F15** Rule 22(8)(9) inserted (8.4.2013) by The Tribunal Procedure (Amendment) Rules 2013 (S.I. 2013/477), rules 1(2)(a), **25(g)**
- F16** Rule 22(9) substituted by The Tribunal Procedure (Amendment) Rules 2015 (S.I. 2015/1510), rules 1, **15(c)**
- F17** Words in rule 22(9)(b) substituted (6.4.2023) by The Tribunal Procedure (Amendment) Rules 2023 (S.I. 2023/327), rules 1, **2(2)(b)**

Changes to legislation:

There are currently no known outstanding effects for the The Tribunal Procedure (First-tier Tribunal) (Social Entitlement Chamber) Rules 2008, Section 22.