
STATUTORY INSTRUMENTS

2008 No. 2698

The Tribunal Procedure (Upper Tribunal) Rules 2008

PART 4

Judicial review proceedings in the Upper Tribunal

Applications for permission to bring judicial review proceedings

28.—(1) A person seeking permission to bring judicial review proceedings before the Upper Tribunal under section 16 of the 2007 Act must make a written application to the Upper Tribunal for such permission.

(2) Subject to paragraph (3), an application under paragraph (1) must be made promptly and, unless any other enactment specifies a shorter time limit, must be sent or delivered to the Upper Tribunal so that it is received no later than 3 months after the date of the decision^[F1], action or omission] to which the application relates.

(3) An application for permission to bring judicial review proceedings challenging a decision of the First-tier Tribunal may be made later than the time required by paragraph (2) if it is made within 1 month after the date on which the First-tier Tribunal sent—

- (a) written reasons for the decision; or
- (b) notification that an application for the decision to be set aside has been unsuccessful, provided that that application was made in time.

(4) The application must state—

- (a) the name and address of the applicant, the respondent and any other person whom the applicant considers to be an interested party;
- (b) the name and address of the applicant's representative (if any);
- (c) an address where documents for the applicant may be sent or delivered;
- (d) details of the decision challenged (including the date, the full reference and the identity of the decision maker);
- (e) that the application is for permission to bring judicial review proceedings;
- (f) the outcome that the applicant is seeking; and
- (g) the facts and grounds on which the applicant relies.

(5) If the application relates to proceedings in a court or tribunal, the application must name as an interested party each party to those proceedings who is not the applicant or a respondent.

(6) The applicant must send with the application—

- (a) a copy of any written record of the decision in the applicant's possession or control; and
- (b) copies of any other documents in the applicant's possession or control on which the applicant intends to rely.

(7) If the applicant provides the application to the Upper Tribunal later than the time required by paragraph (2) or (3) or by an extension of time allowed under rule 5(3)(a) (power to extend time)—

Status: Point in time view as at 21/07/2020.

Changes to legislation: The Tribunal Procedure (Upper Tribunal) Rules 2008, Section 28 is up to date with all changes known to be in force on or before 08 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) the application must include a request for an extension of time and the reason why the application was not provided in time; and
 - (b) unless the Upper Tribunal extends time for the application under rule 5(3)(a) (power to extend time) the Upper Tribunal must not admit the application.
- (8) [^{F2}Except where rule 28A(2)(a) (special provisions for [^{F3}immigration judicial review] proceedings) applies,] when the Upper Tribunal receives the application it must send a copy of the application and any accompanying documents to each person named in the application as a respondent or interested party.

Textual Amendments

- F1** Words in rule 28(2) inserted (1.4.2009) by [Tribunal Procedure \(Amendment\) Rules 2009 \(S.I. 2009/274\)](#), rules 1, **17**
- F2** Words in rule 28(8) inserted (17.10.2011) by [The Tribunal Procedure \(Upper Tribunal\) \(Amendment\) Rules 2011 \(S.I. 2011/2343\)](#), rules 1, **7**
- F3** Words in rule 28(8) substituted (1.11.2013) by [The Tribunal Procedure \(Amendment No. 4\) Rules 2013 \(S.I. 2013/2067\)](#), rules 1, **10**

Status:

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