
STATUTORY INSTRUMENTS

2008 No. 2698

The Tribunal Procedure (Upper Tribunal) Rules 2008

PART 7

Correcting, setting aside, reviewing and appealing decisions of the Upper Tribunal

[^{F1}Setting aside] a decision in proceedings under the Forfeiture Act 1982

47.—(1) A person who referred a question to the Upper Tribunal under rule 26 (references under the Forfeiture Act 1982) must refer the Upper Tribunal's previous decision in relation to the question to the Upper Tribunal if they—

- (a) consider that the decision should be [^{F2}set aside and re-made under this rule] ; or
- (b) have received a written application for the decision to be [^{F3}set aside and re-made under this rule] from the person to whom the decision related.

(2) The Upper Tribunal may [^{F4}set aside the decision, either in whole or in part, and re-make it] if—

- ^{F5}(a)
- (b) the decision was made in ignorance of, or was based on a mistake as to, some material fact; or
- (c) there has been a relevant change in circumstances since the decision was made.

[^{F6}(3) Rule 26(2) to (4), Parts 5 and 6 and this Part apply to a reference under this rule as they apply to a reference under rule 26(1).]

- ^{F6}(4)
- ^{F6}(5)

Textual Amendments

- F1** Words in rule 47 heading substituted (17.10.2011) by [The Tribunal Procedure \(Upper Tribunal\) \(Amendment\) Rules 2011 \(S.I. 2011/2343\)](#), rules 1, **13(a)**
- F2** Words in rule 47(1)(a) substituted (17.10.2011) by [The Tribunal Procedure \(Upper Tribunal\) \(Amendment\) Rules 2011 \(S.I. 2011/2343\)](#), rules 1, **13(b)**
- F3** Words in rule 47(1)(b) substituted (17.10.2011) by [The Tribunal Procedure \(Upper Tribunal\) \(Amendment\) Rules 2011 \(S.I. 2011/2343\)](#), rules 1, **13(c)**
- F4** Words in rule 47(2) substituted (17.10.2011) by [The Tribunal Procedure \(Upper Tribunal\) \(Amendment\) Rules 2011 \(S.I. 2011/2343\)](#), rules 1, **13(d)**
- F5** Rule 47(2)(a) omitted (17.10.2011) by virtue of [The Tribunal Procedure \(Upper Tribunal\) \(Amendment\) Rules 2011 \(S.I. 2011/2343\)](#), rules 1, **13(e)**
- F6** Rule 47(3)-(5) substituted for rule 47(3) (17.10.2011) by [The Tribunal Procedure \(Upper Tribunal\) \(Amendment\) Rules 2011 \(S.I. 2011/2343\)](#), rules 1, **13(f)**

Status:

Point in time view as at 17/10/2011.

Changes to legislation:

The Tribunal Procedure (Upper Tribunal) Rules 2008, Section 47 is up to date with all changes known to be in force on or before 23 June 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.