
STATUTORY INSTRUMENTS

2010 No. 2600

**The Tribunal Procedure (Upper
Tribunal) (Lands Chamber) Rules 2010**

PART 11

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

Interpretation

52. In this Part—

“appeal” means the exercise of a right of appeal under section 13 of the 2007 Act; and

“review” means the review of a decision by the Tribunal under section 10 of the 2007 Act.

Clerical mistakes and accidental slips or omissions

53. The Tribunal may at any time correct any clerical mistake or other accidental slip or omission in a decision or record of a decision by—

- (a) sending notification of the amended decision, or a copy of the amended record, to all parties; and
- (b) making any necessary amendment to any information published in relation to the decision or record.

Setting aside a decision which disposes of proceedings

54.—(1) The Tribunal may set aside a decision which disposes of proceedings, or part of such a decision, and re-make the decision or the relevant part of it, if—

- (a) the Tribunal considers that it is in the interests of justice to do so; and
- (b) one or more of the conditions in paragraph (2) are satisfied.

(2) The conditions are—

- (a) a document relating to the proceedings was not sent or delivered to, or was not received at an appropriate time by, a party or a party's representative;
- (b) a document relating to the proceedings was not sent or delivered to the Tribunal at an appropriate time;
- (c) a party, or a party's representative, was not present at a hearing related to the proceedings; or
- (d) there has been some other procedural irregularity in the proceedings.

(3) A party applying for a decision or part of a decision to be set aside under paragraph (1) must send a written application to the Tribunal and all other parties so that it is received no later than 1 month after the date on which the Tribunal sent notice of the decision to the party.

Application for permission to appeal

55.—(1) A person seeking permission to appeal from the decision of the Tribunal must make a written application to the Tribunal for permission to appeal.

(2) The application must be sent or delivered to the Tribunal so that it is received within 1 month after the latest of the dates on which the Tribunal sent to the person making the application—

- [^{F1}(a) the relevant decision notice;
- (a) written reasons for the decision, if the decision disposes of—
- (i) all issues in the proceedings; or
- (ii) subject to paragraph (2A), a separate or preliminary issue dealt with following a direction under rule 5(3)(e);]
- (b) notification of a decision to award, or refuse to award, costs;
- (c) notification of amended reasons for, or correction of, the decision following a review;
- (d) notification that an application for the decision to be set aside has been unsuccessful.

[^{F2}(2A) The Tribunal may direct that the 28 days within which a party may send or deliver to the Tribunal an application for permission to appeal against a decision that disposes of a separate or preliminary issue shall run from the date of the decision that disposes of all issues in the proceedings.]

(3) The date in paragraph (2)(b) applies only if the application for costs was made within the time stipulated in [^{F3}rule 10(10)] (orders for costs).

(4) The date in paragraph (2)(d) applies only if the application for the decision to be set aside was made within the time stipulated in rule 54 (setting aside a decision which disposes of proceedings) or any extension of that time granted by the Tribunal.

(5) If the person seeking permission to appeal provides the application to the Tribunal later than the time required—

- (a) the application must include a request for an extension of time and the reason why the application notice was not provided in time; and
- (b) unless the Tribunal extends time for the application under rule 5(3)(a) (power to extend time) the Tribunal must refuse the application.
- (6) The application must—
- (a) identify the decision of the Tribunal to which it relates;
- (b) identify the alleged error or errors of law in the decision; and
- (c) state the result the party making the application is seeking.

Textual Amendments

- F1** Rule 55(2)(za)(a) substituted for rule 55(2)(a) (1.7.2013) by [The Tribunal Procedure \(Amendment No. 3\) Rules 2013 \(S.I. 2013/1188\)](#), rules 1, **9(a)** (with rule 10)
- F2** Rule 55(2A) inserted (1.7.2013) by [The Tribunal Procedure \(Amendment No. 3\) Rules 2013 \(S.I. 2013/1188\)](#), rules 1, **9(b)** (with rule 10)
- F3** Words in rule 55(3) substituted (1.7.2013) by [The Tribunal Procedure \(Amendment No. 3\) Rules 2013 \(S.I. 2013/1188\)](#), rules 1, **9(c)** (with rule 10)

Tribunal's consideration of application for permission to appeal

56.—(1) On receiving an application for permission to appeal the Tribunal may review the decision in accordance with rule 57 (review of a decision), but may only do so if—

- (a) when making the decision the Tribunal overlooked a legislative provision or binding authority which could have had a material effect on the decision; or
 - (b) since the Tribunal's decision, a court has made a decision which is binding on the Tribunal and which, had it been made before the Tribunal's decision, could have had a material effect on the decision.
- (2) If the Tribunal decides not to review the decision, or reviews the decision and decides to take no action in relation to the decision or part of it, the Tribunal must consider whether to give permission to appeal in relation to the decision or that part of it.
- (3) The Tribunal must send a record of its decision to the parties as soon as practicable.
- (4) If the Tribunal refuses permission to appeal it must send with the record of its decision—
- (a) a statement of its reasons for such refusal; and
 - (b) notification of the right to make an application to the relevant appellate court for permission to appeal and the time within which, and the method by which, such application must be made.
- (5) The Tribunal may give permission to appeal on limited grounds, but must comply with paragraph (4) in relation to any grounds on which it has refused permission.

Review of a decision

57.—(1) The Tribunal may only undertake a review of a decision pursuant to rule 56(1) (Tribunal's consideration of application for permission to appeal).

(2) The Tribunal must notify the parties in writing of the outcome of any review and of any rights of review or appeal in relation to the outcome.

(3) If the Tribunal decides to take any action in relation to a decision following a review without first giving every party an opportunity to make representations, the notice under paragraph (2) must state that any party that did not have an opportunity to make representations may apply for such action to be set aside and for the decision to be reviewed again.

Power to treat an application as a different type of application

58. The Tribunal may treat an application for a decision to be corrected, set aside or reviewed, or for permission to appeal against the decision, as an application for any other one of those things.

Changes to legislation:

There are currently no known outstanding effects for the The Tribunal Procedure (Upper Tribunal) (Lands Chamber) Rules 2010, PART 11.