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STATUTORY INSTRUMENTS

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**2010 No. 44**

**The Tribunal Procedure (Amendment No. 2) Rules 2010**

**Amendments to the Tribunal Procedure (Upper Tribunal) Rules 2008**

**20.** After rule 40 (decisions) insert—

**“Special procedure for providing notice of a decision relating to an asylum case**

**40A.**—(1) This rule applies to an appeal before the Upper Tribunal under section 11 of the 2007 Act in an asylum case where—

- (a) the person who appealed to the First-tier Tribunal is in the United Kingdom; and
- (b) the case is not a fast-track case.

(2) The Upper Tribunal must provide to the Secretary of State for the Home Department as soon as reasonably practicable—

- (a) a decision notice stating the Upper Tribunal’s decision; and
- (b) a statement of any right of appeal against the decision and the time and manner in which such a right of appeal may be exercised.

(3) The Secretary of State must, subject to paragraph (5)—

- (a) send the documents listed in paragraph (2) to the other party not later than 30 days after the Upper Tribunal sent them to the Secretary of State for the Home Department; and
- (b) as soon as practicable after sending the documents listed in paragraph (2), notify the Upper Tribunal on what date and by what means they were sent.

(4) If the Secretary of State does not notify the Upper Tribunal under paragraph (3)(b) within 31 days after the documents listed in paragraph (2) were sent, the Upper Tribunal must send the notice of decision to the other party as soon as reasonably practicable.

(5) If the Secretary of State applies for permission to appeal under section 13 of the 2007 Act, the Secretary of State must send the documents listed in paragraph (2) to the other party no later than the date on which the application for permission is sent to the Upper Tribunal.”.