

2014 No. 1505 (L. 25)

TRIBUNALS AND INQUIRIES

The Tribunal Procedure (Amendment No. 2) Rules 2014

Made - - - - - *9th June 2014*

Laid before Parliament *9th June 2014*

Coming into force - - - *30th June 2014*

The Tribunal Procedure Committee has made the following Rules in exercise of the powers conferred by section 22 of and Schedule 5 to the Tribunals, Courts and Enforcement Act 2007(a), having consulted in accordance with paragraph 28(1) of that Schedule to that Act.

The Lord Chancellor has allowed the Rules in accordance with paragraph 28(3) of that Schedule to that Act.

Citation and commencement

1. These Rules may be cited as the Tribunal Procedure (Amendment No.2) Rules 2014 and come into force on 30th June 2014.

Amendment of the Tribunal Procedure (Upper Tribunal) Rules 2008

2. The Tribunal Procedure (Upper Tribunal) Rules 2008(b) are amended as follows.

3. In paragraph (1) of rule 22(1)(c) (decision in relation to permission to appeal), insert at the beginning, “Subject to rule 40A,”.

4. In rule 40A(d) (special procedure for providing notice of a decision relating to an asylum case)—

(a) for paragraph (1) substitute—

“(1) This rule applies to a decision of the Upper Tribunal in an asylum case—

(a) to refuse (or not to admit) an application for permission to appeal to the Upper Tribunal made by the person who appealed to the First-tier Tribunal; or

(b) on an appeal under section 11 of the 2007 Act,

where—

(i) at the time the application or appeal (as the case may be) is made the person who appealed to the First-tier Tribunal is in the United Kingdom; and

(ii) the decision is not made in a fast track case.”

(a) 2007 c.15

(b) S.I. 2008/2698

(c) Rule 22 was amended by S.I. 2014/514.

(d) Rule 40A was inserted by S.I. 2010/44 and amended by S.I. 2013/2067.

We make these Rules

*Brian F J Langstaff
Douglas J May QC
Philip Brook Smith QC
Mark Rowland
Simon Ennals
W B Thompson
Jayam Dalal*

30th May 2014

I allow these Rules,
Signed by the authority of the Lord Chancellor

Shailesh Vara
Parliamentary Under Secretary of State
Ministry of Justice

9th June 2014

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend rule 40A of the Tribunal Procedure (Upper Tribunal) Rules 2008 (S.I. 2008/2698). Rule 40A(1) provides that notice of a decision on an appeal under section 11 of the Tribunals Courts and Enforcement Act 2007 (c. 15) in an asylum case will (in the first instance) be provided to the Secretary of State for the Home Department who must then serve the notice and other related information on the other party.

Rule 40A(1) is amended so that these provisions for service also apply to decisions of the Upper Tribunal refusing permission to appeal to the Upper Tribunal to a person who appealed to the First-tier Tribunal in an asylum case (or refusing to admit an application for such permission by reason of lateness).

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