
STATUTORY INSTRUMENTS

2014 No. 2604

The Tribunal Procedure (First-tier Tribunal)
(Immigration and Asylum Chamber) Rules 2014

PART 4

Correcting, Setting Aside, Reviewing and Appealing Tribunal Decisions

Interpretation

30. In this Part—

“appeal” means the exercise of a right of appeal on a point of law under section 11 of the 2007 Act;

“review” means the review of a decision by the Tribunal under section 9 of the 2007 Act.

Clerical mistakes and accidental slips or omissions

31. The Tribunal may at any time correct any clerical mistake or other accidental slip or omission in a decision, direction or any document produced by it, by—

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

Setting aside a decision which disposes of proceedings

32.—(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 provided 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 provided 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) An application for a decision, or part of a decision, to be set aside under paragraph (1) must be made—

- (a) if the appellant is outside the United Kingdom, within 28 days; or

(b) in any other case, within 14 days,
of the date on which the party was sent the notice of decision.

Application for permission to appeal to the Upper Tribunal

33.—(1) A party seeking permission to appeal to the Upper Tribunal must make a written application to the Tribunal for permission to appeal.

(2) Subject to paragraph (3), an application under paragraph (1) must be provided to the Tribunal so that it is received no later than 14 days after the date on which the party making the application was provided with written reasons for the decision.

(3) Where an appellant is outside the United Kingdom, an application to the Tribunal under paragraph (1) must be provided to the Tribunal so that it is received no later than 28 days after the date on which the party making the application was provided with written reasons for the decision.

(4) The time within which a party may apply for permission to appeal against an amended notice of decision runs from the date on which the party is sent the amended notice of decision.

(5) An application under paragraph (1) 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 and include any application for an extension of time and the reasons why such an extension should be given.

(6) If a person makes an application under paragraph (1) when the Tribunal has not given a written statement of reasons for its decision—

- (a) the Tribunal must, if no application for a written statement of reasons has been made, treat the application for permission as such an application; and
- (b) may—
 - (i) direct under rule 36 that the application is not to be treated as an application for permission to appeal; or
 - (ii) determine the application for permission to appeal.

(7) If an application for a written statement of reasons has been, or is, refused because the application was received out of time, the Tribunal must only admit the application for permission if the Tribunal considers that it is in the interests of justice to do so.

Tribunal's consideration of an application for permission to appeal to the Upper Tribunal

34.—(1) On receiving an application for permission to appeal the Tribunal must first consider whether to review the decision in accordance with rule 35.

(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 Upper Tribunal for permission to appeal and the time within which, and the manner in 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

35.—(1) The Tribunal may only undertake a review of a decision—

- (a) pursuant to rule 34 (review on an application for permission to appeal); and
- (b) if it is satisfied that there was an error of law in the decision.

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

(3) If the Tribunal takes any action in relation to a decision following a review without first giving every party an opportunity to make representations—

- (a) 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
- (b) the Tribunal may regard the review as incomplete and act accordingly.

Power to treat an application as a different type of application

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

Status:

Point in time view as at 20/10/2014.

Changes to legislation:

There are currently no known outstanding effects for the The Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014, PART 4.