

SCHEDULE

Rule 1(3)

The Fast Track Rules

PART 1

Introduction and Scope

**Interpretation and relationship with the Principal Rules**

1.—(1) The rules in this Schedule are the Fast Track Rules.

(2) A rule or Part referred to in this Schedule by number alone means a rule in, or Part of, the Fast Track Rules.

(3) In these Rules, the “Principal Rules” means rules 1 to 46 of the Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014.

(4) The Principal Rules, except for those provisions referred to in Table 2 below apply for the purposes of and the interpretation of the Fast Track Rules.

(5) Where the Fast Track Rules cease to apply to an appeal or application because—

(a) the condition referred to in rule 2(1)(b) ceases to apply; or

(b) the Tribunal makes an order under rule 14,

the Principal Rules shall apply to the appeal or application.

(6) Where—

(a) a period of time for taking a step has started to run under a provision of the Fast Track Rules, and

(b) that provision ceases to apply in the circumstances to which paragraph (5) refers,

if the Principal Rules contain a time limit for taking such step, the time limit in the Principal Rules shall apply, and the relevant period of time shall be treated as running from the date on which the period of time under the Fast Track Rules started to run.

**Table 2**

**Principal Rules which do not apply in the fast track**

<i>Rule numbers refer to the Principal Rules</i>	<i>Notes</i>
Rule 3(2) – (4) (delegation to staff)	
Rule 4(3)(a) (case management powers: reducing or extending time)	Rule 5(2) – (6) of the Fast Track Rules (time limits) applies
Rule 4(3)(h) (case management powers: adjourning or postponing hearing)	Rule 12 of the Fast Track Rules (adjournment) applies
Rule 4(3)(j) (case management powers: stay or sist proceedings)	
Rule 4(3)(k) (case management powers: transfer of proceedings)	
Rule 4(3)(l) (suspending effect of decision pending onward appeal etc)	

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<i>Rule numbers refer to the Principal Rules</i>	<i>Notes</i>
Rule 7 (striking out of appeal for non-payment of fee and reinstatement)	
Rule 9(1) (costs orders for payment of Tribunal fees)	
Rule 19 (notice of appeal)	Rules 3 to 6 of the Fast Track Rules apply
Rules 20 and 21 (late notice of appeal; special provision for imminent removal cases)	Rule 5 of the Fast Track Rules (time limits) applies
Rule 22, except for the purposes of paragraph (2)(a) (no appealable decision)	
Rules 23 – 24 (response: entry clearance and other cases)	Rule 7 of the Fast Track Rules (filing of documents by respondent) applies
Rule 29(2) to (6) (provision of written statement of reasons for Tribunal’s decision)	Rule 10 of the Fast Track Rules (decisions and notice of decisions) applies
Rule 33(2) and (3) (time limit for applying to the Tribunal for permission to appeal to the Upper Tribunal)	Rule 11 of the Fast Track Rules (time limit for making an application for permission to appeal) applies
Rule 34(1) (Tribunal to consider first whether to review decision)	

### **Scope of Fast Track Rules**

2.—(1) The Fast Track Rules apply to an appeal to the Tribunal or an application for permission to appeal to the Upper Tribunal where the appellant—

- (a) was detained under the Immigration Acts at a place specified in paragraph (3) when provided with notice of the appealable decision against which the appellant is appealing; and
- (b) has been continuously detained under the Immigration Acts at a place or places specified in paragraph (3) since that notice was served on the appellant.

(2) An appellant does not, for the purposes of this rule, cease to satisfy the condition in paragraph (1)(b) by reason only of—

- (a) being transported from one place of detention specified in paragraph (3) to another place which is so specified; or
- (b) leaving and returning to such a place of detention for any purpose between the hours of 6 am and 10 pm.

(3) The places specified for the purposes of this rule are—

- (a) Colnbrook House Immigration Removal Centre, Harmondsworth, Middlesex;
- (b) Harmondsworth Immigration Removal Centre, Harmondsworth, Middlesex;
- (c) Yarl’s Wood Immigration Removal Centre, Clapham, Bedfordshire.

## PART 2

### Appeals to the Tribunal

#### Notice of appeal

- 3.—(1) An appellant must start proceedings by providing a notice of appeal to the Tribunal.
- (2) The notice of appeal must—
- (a) set out the grounds of appeal;
  - (b) be signed and dated by the appellant or their representative;
  - (c) if a notice of appeal is signed by the appellant's representative, the representative must certify in the notice of appeal that it has been completed in accordance with the appellant's instructions;
  - (d) state whether the appellant requires an interpreter at any hearing and if so for which language and dialect;
  - (e) state whether the appellant intends to attend at any hearing; and
  - (f) state whether the appellant will be represented at any hearing.
- (3) The appellant must provide with the notice of appeal—
- (a) the notice of decision against which the appellant is appealing or if it is not practicable to include the notice of decision, the reasons why it is not practicable;
  - (b) any statement of reasons for that decision;
  - (c) any documents in support of the appellant's case which have not been supplied to the respondent;
  - (d) an application for the Lord Chancellor to issue a certificate of fee satisfaction;
  - (e) any further information or documents required by an applicable practice direction.
- (4) An appellant may, with the permission of the Tribunal, vary the grounds on which they rely in the notice of appeal.

#### Providing notice of appeal

- 4.—(1) An appellant may provide a notice of appeal to the Tribunal either—
- (a) by providing it to the Tribunal; or
  - (b) by providing it to the person having custody of the appellant.
- (2) Where a notice of appeal is provided under paragraph (1)(b), the person having custody of the appellant must—
- (a) endorse on the notice the date that it is provided to the person having custody of the appellant; and
  - (b) provide it to the Tribunal immediately.

#### Time limits

- 5.—(1) The notice of appeal must be provided not later than 2 working days after the day on which the appellant was provided with notice of the decision against which the appeal is brought.
- (2) Where a notice of appeal is provided outside the time limit in paragraph (1), the Tribunal must not extend the time for appealing unless it considers that it is in the interests of justice to do so.
- (3) Subject to paragraph (5), the Tribunal must consider any issue as to—

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- (a) whether a notice of appeal was given outside the time limit in paragraph (1); and
- (b) whether to extend the time for appealing,

at the hearing fixed for the hearing of the appeal under the Fast Track Rules under rule 8, and rules 9, 12 and 14 apply to the consideration and decision of such an issue as they apply to the consideration and decision of an appeal.

(4) Where a notice of appeal is provided outside the time limit in paragraph (1) and the respondent notifies the Tribunal that directions have been given for the removal of that person from the United Kingdom on a date within 5 working days of the date on which the notice of appeal was received, the Tribunal must, if reasonably practicable, make any decision on an issue referred to in paragraph (3) before the date and time proposed for the removal, and may do so as a preliminary issue.

(5) Where the Tribunal decides that the notice of appeal was provided outside the time limit and does not extend the time for appealing, the Tribunal must provide to the parties notice of its decision, including its reasons, not later than 1 working day after the date on which that decision was made, after which it shall take no further action in relation to the notice of appeal.

(6) In a case to which paragraph (5) applies, the notice of decision may be given orally at a hearing.

#### **Service of notice of appeal etc on respondent**

6. When the Tribunal receives a notice of appeal and any further documents or information from the appellant under rule 4, it must immediately provide a copy to the respondent.

#### **Filing of documents by respondent**

7. The respondent must, not later than 2 working days after the day on which the Tribunal provides the respondent with the notice of appeal, provide the following documents to the Tribunal—

- (a) the notice of the decision to which the notice of appeal relates, and any other document the respondent provided to the appellant giving reasons for that decision;
- (b) any statement of evidence or application form completed by the appellant;
- (c) any record of an interview with the appellant, in relation to the decision being appealed;
- (d) any other unpublished document which is referred to in a document mentioned in subparagraph (a) or relied upon by the respondent; and
- (e) the notice of any other appealable decision made in relation to the appellant.

#### **Fixing date of appeal hearing**

8.—(1) The Tribunal must fix a date for the hearing of the appeal which is—

- (a) not later than 3 working days after the day on which the respondent provides the documents under rule 7; or
- (b) if the Tribunal is unable to arrange a hearing within that time, as soon as practicable.

(2) The Tribunal must provide notice of the date, time and place of the hearing to every party as soon as practicable and in any event not later than noon on the working day before the hearing.

(3) A practice direction may provide that, as regards—

- (a) all appellants detained at one of the places specified in rule 2(3); or
- (b) a class or category of appellants detained in any of those specified places,

a period of 6 working days shall apply instead of the period of 3 working days provided for in paragraph (1).

### **Consideration with or without a hearing**

**9.**—(1) The Tribunal must conclude the hearing of the appeal on the date fixed under the Fast Track Rules.

(2) Where—

(a) the appeal—

(i) lapses pursuant to section 99 of the 2002 Act;

(ii) is treated as abandoned pursuant to section 104(4A) of the 2002 Act; or

(iii) is withdrawn by the appellant or treated as withdrawn in accordance with rule 17 of the Principal Rules;

(b) the Tribunal postpones or adjourns the hearing under rule 12 or 14(2)(a); or

(c) all of the parties to the appeal consent to the Tribunal deciding the appeal without a hearing; the requirement referred to in paragraph (1) ceases.

### **Decisions and notice of decisions**

**10.**—(1) Where the Tribunal decides an appeal, it must provide to each party—

(a) a notice of decision and the reasons for it;

(b) notification of any right of appeal against the decision and the time within which, and the manner in which, such right of appeal may be exercised.

(2) The Tribunal must provide the notice and the notification—

(a) where rule 9(1) applies, not later than 2 working days after the day on which the hearing of the appeal was concluded; or

(b) in any other case, not later than 2 working days after the day on which the appeal was decided.

## **PART 3**

### **Appeals to the Upper Tribunal**

#### **Time limit for making an application for permission to appeal**

**11.** An application for permission to appeal to the Upper Tribunal must be provided to the Tribunal so that it is received no later than 3 working days after the date on which the party making the application was provided with the notice of decision.

## **PART 4**

### **General Provisions**

#### **Adjournment**

**12.** Unless the Tribunal makes an order under rule 14, the Tribunal may postpone or adjourn the hearing of the appeal only where the Tribunal is satisfied that—

(a) the appeal could not justly be decided if the hearing were to be concluded on the date fixed under the Fast Track Rules; and

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- (b) there is an identifiable future date, not more than 10 working days after the date so fixed, upon which the Tribunal can conclude the hearing and justly decide the appeal within the timescales provided for in the Fast Track Rules.

### **Correction of errors and determinations**

**13.** Where a notice of decision is amended under the Principal Rules, the Tribunal must, not later than one working day after making the amendment, provide an amended version to every party to whom it provided the original.

## **PART 5**

### **Transfer Out of Fast Track**

#### **Transfer out of fast track**

**14.—**(1) Where the Fast Track Rules apply to an appeal or application, the Tribunal must order that the Fast Track Rules shall cease to apply—

- (a) if all the parties consent; or
- (b) if the Tribunal is satisfied that the case cannot justly be decided within the timescales provided for in the Fast Track Rules.

(2) When making an order under paragraph (1), the Tribunal may, notwithstanding rule 1(5) or (6) of the Fast Track Rules or the application of the Principal Rules—

- (a) postpone or adjourn any hearing of the appeal or application; and
- (b) give directions in relation to the conduct of the proceedings.