

## SCHEDULE

### The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017

## PART 1

### Rules common to all proceedings before the First-tier Tribunal

#### Review of a decision

**39.**—(1) The First-tier Tribunal may either at its own instance or at the request of a party review a decision made by it except in relation to applications listed in rule 37(3)(b) to (j)(1), where it is necessary in the interests of justice to do so.

(2) An application for review under section 43(2)(b) of the Tribunals Act must—

- (a) be made in writing and copied to the other parties;
- (b) be made within 14 days of the date on which the decision is made or within 14 days of the date that the written reasons (if any) were sent to the parties; and
- (c) set out why a review of the decision is necessary.

(3) If the First-tier Tribunal considers that the application is wholly without merit, the First-tier Tribunal must refuse the application and inform the parties of the reasons for refusal.

(4) Except where paragraph (3) applies, the First-tier Tribunal must notify the parties in writing—

- (a) setting a time limit for any response to the application by the other parties and seeking the views of the parties on whether the application can be determined without a hearing; and
- (b) may at the discretion of the First-tier Tribunal, set out the First-tier Tribunal’s provisional views on the application.

(5) In accordance with rule 18, the decision may be reviewed without a hearing.

(6) Where practicable, the review must be undertaken by one or more of the members of the First-tier Tribunal who made the decision to which the review relates.

(7) Where the First-tier Tribunal proposes to review a decision at its own instance, it must inform the parties of the reasons why the decision is being reviewed and the decision will be reviewed in accordance with paragraph (4) (as if an application had been made and not refused).

(8) A review by the First-tier Tribunal in terms of paragraph (1) does not affect the time limit of 30 days in regulation 2(1) of the Scottish Tribunals (Time Limits) Regulations 2016(2) for making an application for permission to appeal.

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(1) Section 43(4) of the Tribunals (Scotland) Act 2016 ([asp 10](#)) provides that the exercise of discretion whether a decision should be reviewed cannot give rise to a review under section 43.

(2) [S.S.I. 2016/231](#).