
STATUTORY INSTRUMENTS

2008 No. 2698

The Tribunal Procedure (Upper Tribunal) Rules 2008

PART 3

[^{F1}Procedure for cases in] the Upper Tribunal

Notice of appeal

23.—[^{F1}(1) This rule applies—

- (a) to proceedings on appeal to the Upper Tribunal for which permission to appeal is not required, except proceedings to which rule 26A[^{F2}, 26B or 26C] applies;
- (b) if another tribunal has given permission for a party to appeal to the Upper Tribunal; or
- (c) subject to any other direction by the Upper Tribunal, if the Upper Tribunal has given permission to appeal and has given a direction that the application for permission to appeal does not stand as the notice of appeal.

[^{F3}(1A) In an asylum case or an immigration case in which the First-tier Tribunal has given permission to appeal, subject to any direction of the First-tier Tribunal or the Upper Tribunal, the application for permission to appeal sent or delivered to the First-tier Tribunal stands as the notice of appeal and accordingly paragraphs (2) to (6) of this rule do not apply.]

(2) The appellant must provide a notice of appeal to the Upper Tribunal so that it is received within 1 month after—

- (a) the date that the tribunal that gave permission to appeal sent notice of such permission to the appellant; or
- (b) [^{F4}if permission to appeal is not required, the date on which notice of decision to which the appeal relates—
 - (i) was sent to the appellant; ^{F5}...
 - (ii) in a quality contracts scheme case, if the notice was not sent to the appellant, the date on which the notice was published in a newspaper in accordance with the requirement of section 125 (notice and consultation requirements) of the Transport Act 2000 [^{F6}, or]]]

[^{F7}(iii) in a trade remedies case—

- (aa) where the appeal is against a decision made by the TRA and notice is required to be published in accordance with the Trade Remedies (Reconsideration and Appeals) (EU Exit) Regulations 2019, the date of such publication or (if later) when the notice comes into effect;
- (bb) where the appeal is against a decision made by the TRA and no notice is required to be published in accordance with the Trade Remedies (Reconsideration and Appeals) (EU Exit) Regulations 2019, the date on which the appellant is notified of the decision, or

Changes to legislation: The Tribunal Procedure (Upper Tribunal) Rules 2008, Section 23 is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(cc) where the appeal is against a determination of the Secretary of State under the Taxation (Cross-border Trade) Act 2018, the Trade Remedies (Dumping and Subsidisation) (EU Exit) Regulations 2019, the Trade Remedies (Increase in Imports Causing Serious Injury to UK Producers) (EU Exit) Regulations 2019 or the Trade Remedies (Reconsideration and Appeals) (EU Exit) Regulations 2019 (as the case may be), the date on which the notice is published in accordance with the relevant provision or (if later) when the notice comes into effect;]

(3) The notice of appeal must include the information listed in rule 21(4)(a) to (e) (content of the application for permission to appeal) and, where the Upper Tribunal has given permission to appeal, the Upper Tribunal's case reference.

(4) If another tribunal has granted permission to appeal, the appellant must provide with the notice of appeal a copy of—

- (a) any written record of the decision being challenged;
- (b) any separate written statement of reasons for that decision; and
- (c) the notice of permission to appeal.

(5) If the appellant provides the notice of appeal to the Upper Tribunal later than the time required by paragraph (2) or by an extension of time allowed under rule 5(3)(a) (power to extend time)—

- (a) the notice of appeal must include a request for an extension of time and the reason why the notice was not provided in time; and
- (b) unless the Upper Tribunal extends time for the notice of appeal under rule 5(3)(a) (power to extend time) the Upper Tribunal must not admit the notice of appeal.

[^{F8}(6) When the Upper Tribunal receives the notice of appeal it must send a copy of the notice and any accompanying documents—

- (a) to each respondent; ^{F9} ...
- (b) [^{F10}in a road transport case, to—
 - (i) the decision maker;
 - (ii) the appropriate national authority; and
 - (iii) in a case relating to the detention of a vehicle, the authorised person]] [^{F11}; or]

[^{F11}(c) in an appeal against a decision of a traffic commissioner pursuant to section 6F of the Transport Act 1985 or section 123T of the Transport Act 2000, to—

- (i) the respondent, and
- (ii) the traffic commissioner who was the decision maker.]

[^{F11}(6A) In a case to which paragraph (6)(c) applies, the Upper Tribunal must at the same time require such commissioner to—

- (a) send or deliver to the Upper Tribunal (within such time as the Upper Tribunal may specify) —
 - (i) a copy of any written record of the decision under challenge, and any statement of reasons for that decision, and
 - (ii) copies of all documents relevant to the case in such commissioner's possession, and
- (b) provide copies of such documents to each other party at the same time as they are provided to the Upper Tribunal.]

[^{F12}(7) Paragraph (6)(a) does not apply in a quality contracts scheme case, in respect of which Schedule A1 makes alternative and further provision.]

Textual Amendments

- F1** Rule 23(1)(2) substituted (1.9.2009) by [The Tribunal Procedure \(Amendment No. 2\) Rules 2009](#) (S.I. 2009/1975), rules 1, **17(a)**
- F2** Words in rule 23(1)(a) substituted (27.7.2017) by [The Tribunal Procedure \(Amendment\) Rules 2017](#) (S.I. 2017/723), rules 1, **10**
- F3** Rule 23(1A) inserted (15.2.2010) by [The Tribunal Procedure \(Amendment No. 2\) Rules 2010](#) (S.I. 2010/44), rules 1, **14**
- F4** Rule 23(2)(b) substituted (21.8.2015) by [The Tribunal Procedure \(Amendment\) Rules 2015](#) (S.I. 2015/1510), rules 1, **4(a)**
- F5** Word in rule 23(2)(b)(i) omitted (3.6.2019) by virtue of [The Tribunal Procedure \(Amendment\) Rules 2019](#) (S.I. 2019/925), rules 1(2), **2(4)(a)(i)** (with rule 6)
- F6** Word in rule 23(2)(b)(ii) substituted for full stop (3.6.2019) by [The Tribunal Procedure \(Amendment\) Rules 2019](#) (S.I. 2019/925), rules 1(2), **2(4)(a)(ii)** (with rule 6)
- F7** Rule 23(2)(b)(iii) inserted (3.6.2019) by [The Tribunal Procedure \(Amendment\) Rules 2019](#) (S.I. 2019/925), rules 1(2), **2(4)(a)(iii)** (with rule 6)
- F8** Rule 23(6) substituted (1.9.2009) by [The Tribunal Procedure \(Amendment No. 2\) Rules 2009](#) (S.I. 2009/1975), rules 1, **17(b)**
- F9** Word in rule 23(6)(a) omitted (3.6.2019) by virtue of [The Tribunal Procedure \(Amendment\) Rules 2019](#) (S.I. 2019/925), rules 1(2), **2(4)(b)(i)** (with rule 6)
- F10** Rule 23(6)(b) substituted (1.7.2012) by [The Tribunal Procedure \(Amendment No. 2\) Rules 2012](#) (S.I. 2012/1363), rules 1(b), **7**
- F11** Rule 23(6)(c)(6A) and word inserted (3.6.2019) by [The Tribunal Procedure \(Amendment\) Rules 2019](#) (S.I. 2019/925), rules 1(2), **2(4)(b)(ii)** (with rule 6)
- F12** Rule 23(7) inserted (21.8.2015) by [The Tribunal Procedure \(Amendment\) Rules 2015](#) (S.I. 2015/1510), rules 1, **4(b)**

Changes to legislation:

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 5 inserted by [S.I. 2024/588 rule 2\(5\)](#)
- rule 1(2A) inserted by [S.I. 2024/588 rule 2\(2\)\(a\)](#)
- rule 26D inserted by [S.I. 2024/588 rule 2\(4\)](#)