

STATUTORY INSTRUMENTS

2008 No. 2698

The Tribunal Procedure (Upper Tribunal) Rules 2008

PART 3

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

Response to the notice of appeal

24.—[^{F1}(1) [^{F2}This rule and rule 25 do not apply to—

- (a) a road transport case, in respect of which Schedule 1 makes alternative provision; or
- (b) a financial sanctions case in respect of which Schedule 4 makes alternative provision.]

(1A) Subject to any direction given by the Upper Tribunal, a respondent may [^{F3}, and if paragraph (1B) applies must,] provide a response to a notice of appeal.]

[^{F4}(1B) In the case of an appeal against the decision of another tribunal, a respondent must provide a response to a notice of appeal if the respondent—

- (a) wishes the Upper Tribunal to uphold the decision for reasons other than those given by the tribunal; or
- (b) relies on any grounds on which the respondent was unsuccessful in the proceedings which are the subject of the appeal.]

[^{F4}(1C) If paragraph (1B) applies, to the extent that the respondent needs any permission, including permission to appeal to the Upper Tribunal, the response must include an application to the Upper Tribunal for such permission.]

(2) Any response provided under paragraph [^{F5}(1A)] must be in writing and must be sent or delivered to the Upper Tribunal so that it is received—

- (a) [^{F6}if an application for permission to appeal stands as the notice of appeal, no later than one month after the date on which the respondent was sent notice that permission to appeal had been granted;]^{F7}...

^{F8}(aa)

[^{F9}(ab) in a quality contracts scheme case, no later than 1 month after the date on which a copy of the notice of appeal is sent to the respondent;][^{F10}or]

- (b) in any other case, no later than 1 month after the date on which the Upper Tribunal sent a copy of the notice of appeal to the respondent.

(3) The response must state—

- (a) the name and address of the respondent;
- (b) the name and address of the representative (if any) of the respondent;
- (c) an address where documents for the respondent may be sent or delivered;
- (d) whether the respondent opposes the appeal;

- (e) the grounds ^{F11}—
- (i) to uphold the decision for reasons other than those given by the tribunal; or
 - (ii) on which the respondent was unsuccessful in the proceedings which are the subject of the appeal;]

^{F12}(ea) the reasons why any permission applied for under paragraph (1C) should be given; and]

- (f) whether the respondent wants the case to be dealt with at a hearing.

(4) If the respondent provides the response 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), the response must include a request for an extension of time and the reason why the ^{F13}response] was not provided in time.

(5) When the Upper Tribunal receives the response it must send a copy of the response and any accompanying documents to the appellant and each other party.

^{F14}(6) Paragraph (5) does not apply in a quality contracts scheme case, in respect of which Schedule A1 makes alternative and further provision.]

Textual Amendments

- F1** Rule 24(1)(1A) substituted for rule 24(1) (1.9.2009) by [The Tribunal Procedure \(Amendment No. 2\) Rules 2009 \(S.I. 2009/1975\)](#), rules 1, **18(a)**
- F2** Rule 24(1) substituted (27.7.2017) by [The Tribunal Procedure \(Amendment\) Rules 2017 \(S.I. 2017/723\)](#), rules 1, **11**
- F3** Words in rule 24(1A) inserted (6.4.2022) by [The Tribunal Procedure \(Amendment\) Rules 2022 \(S.I. 2022/312\)](#), rules 1, **3(5)(a)**
- F4** Rule 24(1B)(1C) inserted (6.4.2022) by [The Tribunal Procedure \(Amendment\) Rules 2022 \(S.I. 2022/312\)](#), rules 1, **3(5)(b)**
- F5** Word in rule 24(2) substituted (18.1.2010) by [The Tribunal Procedure \(Amendment\) Rules 2010 \(S.I. 2010/43\)](#), rules 1, **9**
- F6** Rule 24(2)(a) substituted (15.2.2010) by [The Tribunal Procedure \(Amendment No. 2\) Rules 2010 \(S.I. 2010/44\)](#), rules 1, **15(a)**
- F7** Word in rule 24(2) omitted (15.2.2010) by virtue of [The Tribunal Procedure \(Amendment No. 2\) Rules 2010 \(S.I. 2010/44\)](#), rules 1, **15(b)**
- F8** Rule 24(2)(aa) omitted (21.7.2020) by virtue of [The Tribunal Procedure \(Amendment\) Rules 2020 \(S.I. 2020/651\)](#), rules 1(1), **5(8)(a)**
- F9** Rule 24(2)(ab) inserted (21.8.2015) by [The Tribunal Procedure \(Amendment\) Rules 2015 \(S.I. 2015/1510\)](#), rules 1, **5(a)**
- F10** Word in rule 24(2)(ab) inserted (21.7.2020) by [The Tribunal Procedure \(Amendment\) Rules 2020 \(S.I. 2020/651\)](#), rules 1(1), **5(8)(b)**
- F11** Rule 24(3)(e)(i)(ii) substituted for words in rule 24(3)(e) (6.4.2022) by [The Tribunal Procedure \(Amendment\) Rules 2022 \(S.I. 2022/312\)](#), rules 1, **3(5)(c)(i)**
- F12** Rule 24(3)(ea) inserted (6.4.2022) by [The Tribunal Procedure \(Amendment\) Rules 2022 \(S.I. 2022/312\)](#), rules 1, **3(5)(c)(ii)**
- F13** Word in rule 24(4) substituted (1.4.2009) by [Tribunal Procedure \(Amendment\) Rules 2009 \(S.I. 2009/274\)](#), rules 1, **15**
- F14** Rule 24(6) inserted (21.8.2015) by [The Tribunal Procedure \(Amendment\) Rules 2015 \(S.I. 2015/1510\)](#), rules 1, **5(b)**

Changes to legislation:

There are currently no known outstanding effects for the The Tribunal Procedure (Upper Tribunal) Rules 2008, Section 24.