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STATUTORY INSTRUMENTS

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**2013 No. 477**

**The Tribunal Procedure (Amendment) Rules 2013**

**Amendments to the Tribunal Procedure (First-tier Tribunal) (Social Entitlement Chamber) Rules 2008**

- 25.** In rule 22 (cases in which the notice of appeal is to be sent to the Tribunal)—
- (a) for paragraph (1) substitute—
    - “(1) This rule applies to all cases except those to which—
      - (a) rule 23 (cases in which the notice of appeal is to be sent to the decision maker),
      - or
      - (b) rule 26 (social security and child support cases started by reference or information in writing),applies.”;
  - (b) in paragraph (2) after sub-paragraph (b), insert a semi-colon and the following—
    - “(c) in appeals under the Vaccine Damage Payments Act 1979(1), at any time;
    - (d) in other cases—
      - (i) if mandatory reconsideration applies, within 1 month after the date on which the appellant was sent notice of the result of mandatory reconsideration;
      - (ii) if mandatory reconsideration does not apply, within the time specified in Schedule 1 to these Rules (time specified for providing notices of appeal)”;
  - (c) in paragraph (3)—
    - (i) in sub-paragraph (d), after “respondent” insert “other than the decision maker”, and
    - (ii) omit sub-paragraph (e), except for “: and”;
  - (d) in paragraph (4)—
    - (i) for sub-paragraph (a), substitute—
      - “(a) a copy of—
        - (i) the notice of the result of mandatory reconsideration, in any social security and child support case to which mandatory reconsideration applies;
        - (ii) the decision being challenged, in any other case;”;
      - (ii) in sub-paragraph (b), for “or can reasonably obtain” substitute “; and”;
      - (iii) at the end of sub-paragraph (c), omit “; and”;
      - (iv) omit sub-paragraph (d);
    - (e) in paragraph (6)(b), at the beginning, insert “subject to paragraph (8)”;

- (f) in paragraph (7)(b), for “criminal injuries compensation cases” substitute “all other”;
- (g) after paragraph (7), insert—

“(8) Where an appeal in a social security and child support case is not made within the time specified in paragraph (2)—

- (a) it will be treated as having been made in time, unless the Tribunal directs otherwise, if it is made within not more than 12 months of the time specified and neither the decision maker nor any other respondent objects;

- (b) the time for bringing the appeal may not be extended under rule 5(3)(a) by more than 12 months.

(9) For the purposes of this rule, mandatory reconsideration applies where the notice of the decision being challenged includes a statement to the effect that there is a right of appeal in relation to the decision only if the decision-maker has considered an application for the revision, reversal, review or reconsideration (as the case may be) of the decision being challenged.”.