

SCHEDULE

The Fast Track Rules

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—

- (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 sub-paragraph (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.