



Tribunals (Scotland) Act 2014

2014 asp 10

PART 6

REVIEW OR APPEAL OF DECISIONS

CHAPTER 1

TRIBUNAL DECISIONS

Internal review

43 Review of decisions

- (1) Each of the First-tier Tribunal and the Upper Tribunal may review a decision made by it in any matter in a case before it.
- (2) A decision is reviewable—
 - (a) at the Tribunal's own instance, or
 - (b) at the request of a party in the case.
- (3) But—
 - (a) there can be no review under this section of an excluded decision,
 - (b) Tribunal Rules may make provision—
 - (i) excluding other decisions from a review under this section,
 - (ii) otherwise restricting the availability of a review under this section (including by specifying grounds for a review).
- (4) The exercise of discretion whether a decision should be reviewed under this section cannot give rise to a review under this section or to an appeal under section 46 or 48.
- (5) A right of appeal under section 46 or 48 is not affected by the availability or otherwise of a review under this section.

Changes to legislation: There are currently no known outstanding effects for the Tribunals (Scotland) Act 2014, Cross Heading: Internal review. (See end of Document for details)

Modifications etc. (not altering text)

- C1** S. 43 excluded (22.10.2018) by [Social Security \(Scotland\) Act 2018 \(asp 9\)](#), **ss. 61(5)(a)**, 99(2); [S.S.I. 2018/298](#), reg. 2(1)(j) (with reg. 3(2))
- C2** S. 43 excluded (24.12.2020) by [The Carer’s Allowance Supplement and Young Carer Grants \(Residence Requirements and Procedural Provisions\) \(EU Exit\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/475\)](#), reg. 1, **sch. 2 para. 13(5)(a)**

Commencement Information

- I1** S. 43 in force at 1.4.2015 by [S.S.I. 2015/116](#), **art. 2**

44 Actions on review

- (1) In a review by the First-tier Tribunal or the Upper Tribunal under section 43, the Tribunal may—
 - (a) take no action,
 - (b) set the decision aside, or
 - (c) correct a minor or accidental error contained in the decision.
- (2) Where a decision is set aside by the First-tier Tribunal in a review, it may—
 - (a) re-decide the matter concerned,
 - (b) refer that matter to the Upper Tribunal, or
 - (c) make such other order as the First-tier Tribunal considers appropriate.
- (3) If a decision set aside by the First-tier Tribunal in a review is referred to the Upper Tribunal, the Upper Tribunal—
 - (a) may re-decide the matter concerned or make such other order as it considers appropriate,
 - (b) in re-deciding that matter, may do anything that the First-tier Tribunal could do if re-deciding it.
- (4) Where a decision is set aside by the Upper Tribunal in a review, it may—
 - (a) re-decide the matter concerned, or
 - (b) make such other order as it considers appropriate.
- (5) In re-deciding a matter under this section, the First-tier or Upper Tribunal may reach such findings in fact as it considers appropriate.

Commencement Information

- I2** S. 44 in force at 1.4.2015 by [S.S.I. 2015/116](#), **art. 2**

45 Review once only

- (1) A particular decision of the First-tier Tribunal or the Upper Tribunal may not be reviewed under section 43 more than once.
- (2) These are to be regarded as different decisions for the purpose of subsection (1)—
 - (a) a decision set aside under section 44(1)(b),
 - (b) a decision made by virtue of section 44(2)(a), (3)(a) or (4).

Changes to legislation: There are currently no known outstanding effects for the Tribunals (Scotland) Act 2014, Cross Heading: Internal review. (See end of Document for details)

- (3) Nothing in this section prevents the taking, after a review in which the decision concerned is not set aside, of administrative steps by the First-tier or Upper Tribunal to correct a minor or accidental error made in disposing of the review.

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Commencement Information

I3 [S. 45](#) in force at 1.4.2015 by [S.S.I. 2015/116](#), [art. 2](#)

Changes to legislation:

There are currently no known outstanding effects for the Tribunals (Scotland) Act 2014, Cross
Heading: Internal review.