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STATUTORY INSTRUMENTS

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**2008 No. 2698**

**The Tribunal Procedure (Upper Tribunal) Rules 2008**

**PART 3**

**[<sup>F1</sup>Procedure for cases in] the Upper Tribunal**

**Decision in relation to permission to appeal**

**22.**—(1) <sup>F1</sup>... If the Upper Tribunal refuses permission to appeal [<sup>F2</sup>or refuses to admit a late application for permission], it must send written notice of the refusal and of the reasons for the refusal to the appellant.

(2) If the Upper Tribunal gives permission to appeal—

- (a) the Upper Tribunal must send written notice of the permission, and of the reasons for any limitations or conditions on such permission, to each party;
- (b) subject to any direction by the Upper Tribunal, the application for permission to appeal stands as the notice of appeal and the Upper Tribunal must send to each respondent a copy of the application for permission to appeal and any documents provided with it by the appellant; and
- (c) the Upper Tribunal may, with the consent of the appellant and each respondent, determine the appeal without obtaining any further response.

[<sup>F3</sup>(3) Paragraph (4) applies where the Upper Tribunal, without a hearing, determines an application for permission to appeal—

(a) against a decision of—

- (i) the Tax Chamber of the First-tier Tribunal;
- (ii) the Health, Education and Social Care Chamber of the First-tier Tribunal <sup>M1</sup>;
- [<sup>F4</sup>(ia) the General Regulatory Chamber of the First-tier Tribunal;]
- <sup>F5</sup>(iib) . . . . .
- (iii) the Mental Health Review Tribunal for Wales; or
- (iv) the Special Educational Needs Tribunal for Wales; or

(b) under section 4 of the Safeguarding Vulnerable Groups Act 2006.]

(4) [<sup>F6</sup>Subject to paragraph (4A),] in the circumstances set out at paragraph (3) the appellant may apply for the decision to be reconsidered at a hearing if the Upper Tribunal—

- (a) refuses permission to appeal [<sup>F7</sup>or refuses to admit a late application for permission]; or
- (b) gives permission to appeal on limited grounds or subject to conditions.

[<sup>F8</sup>(4A) Where the Upper Tribunal considers the whole or part of an application to be totally without merit, it shall record that fact in its decision notice and, in those circumstances, the person seeking permission may not request the decision or part of the decision (as the case may be) to be reconsidered at a hearing.]

**Changes to legislation:** *The Tribunal Procedure (Upper Tribunal) Rules 2008, Section 22 is up to date with all changes known to be in force on or before 27 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*

(5) An application under paragraph (4) must be made in writing and received by the Upper Tribunal within 14 days after the date on which the Upper Tribunal sent written notice of its decision regarding the application to the appellant.

#### **Textual Amendments**

- F1** Words in [art. 22\(1\)](#) omitted (25.12.2023) by virtue of [The Tribunal Procedure \(Amendment No. 2\) Rules 2023 \(S.I. 2023/1280\)](#), [rules 1, 3\(2\)](#)
- F2** Words in [rule 22\(1\)](#) inserted (6.4.2014) by [The Tribunal Procedure \(Amendment\) Rules 2014 \(S.I. 2014/514\)](#), [rules 1, 8\(a\)](#)
- F3** [Rule 22\(3\)](#) substituted (1.4.2009) by [Tribunal Procedure \(Amendment\) Rules 2009 \(S.I. 2009/274\)](#), [rules 1, 14](#)
- F4** [Rule 22\(3\)\(a\)\(iia\)](#) inserted (1.9.2009) by [The Tribunal Procedure \(Amendment No. 2\) Rules 2009 \(S.I. 2009/1975\)](#), [rules 1, 16](#)
- F5** [Rule 22\(3\)\(a\)\(iib\)](#) omitted (14.5.2018) by virtue of [The Tribunal Procedure \(Amendment\) Rules 2018 \(S.I. 2018/511\)](#), [rules 1, 3](#)
- F6** Words in [rule 22\(4\)](#) inserted (6.4.2022) by [The Tribunal Procedure \(Amendment\) Rules 2022 \(S.I. 2022/312\)](#), [rules 1, 3\(4\)\(a\)](#)
- F7** Words in [rule 22\(4\)\(a\)](#) inserted (6.4.2014) by [The Tribunal Procedure \(Amendment\) Rules 2014 \(S.I. 2014/514\)](#), [rules 1, 8\(c\)](#)
- F8** [Rule 22\(4A\)](#) inserted (6.4.2022) by [The Tribunal Procedure \(Amendment\) Rules 2022 \(S.I. 2022/312\)](#), [rules 1, 3\(4\)\(b\)](#)

#### **Marginal Citations**

- M1** The Health, Education and Social Care Chamber of the First-tier Tribunal is established by the First-tier [Tribunal and Upper Tribunal \(Chambers\) Order 2008 \(S.I. 2008/2684\)](#).

**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\(4\)](#)