

---

STATUTORY INSTRUMENTS

---

**2008 No. 2685**

**The Tribunal Procedure (First-tier Tribunal)  
(Social Entitlement Chamber) Rules 2008**

**PART 4**

**Correcting, setting aside, reviewing and appealing Tribunal decisions**

**Application for permission to appeal**

**38.**—(1) This rule does not apply to asylum support cases or criminal injuries compensation cases.

(2) A person seeking permission to appeal must make a written application to the Tribunal for permission to appeal.

(3) An application under paragraph (2) must be sent or delivered to the Tribunal so that it is received no later than 1 month after the latest of the dates that the Tribunal sends to the person making the application—

- (a) written reasons for the decision;
- (b) notification of amended reasons for, or correction of, the decision following a review; or
- (c) notification that an application for the decision to be set aside has been unsuccessful.

(4) The date in paragraph (3)(c) applies only if the application for the decision to be set aside was made within the time stipulated in rule 37 (setting aside a decision which disposes of proceedings) or any extension of that time granted by the Tribunal.

(5) If the person seeking permission to appeal sends or delivers the application to the Tribunal later than the time required by paragraph (3) or by any extension of time under rule 5(3)(a) (power to extend time)—

- (a) the application must include a request for an extension of time and the reason why the application was not provided in time; and
- (b) unless the Tribunal extends time for the application under rule 5(3)(a) (power to extend time) the Tribunal must not admit the application.

(6) An application under paragraph (2) must—

- (a) identify the decision of the Tribunal to which it relates;
- (b) identify the alleged error or errors of law in the decision; and
- (c) state the result the party making the application is seeking.

(7) If a person makes an application under paragraph (2) when the Tribunal has not given a written statement of reasons for its decision—

- (a) if no application for a written statement of reasons has been made to the Tribunal, the application for permission must be treated as such an application;
- (b) unless the Tribunal decides to give permission and directs that this sub-paragraph does not apply, the application is not to be treated as an application for permission to appeal; and

- (c) if an application for a written statement of reasons has been, or is, refused because of a delay in making the application, the Tribunal must only admit the application for permission if the Tribunal considers that it is in the interests of justice to do so.