
STATUTORY INSTRUMENTS

2008 No. 2698

The Tribunal Procedure (Upper Tribunal) Rules 2008

PART 2

General powers and provisions

[^{F1}Procedure for applying for a stay of a decision pending an appeal

20A.—(1) This rule applies where another enactment provides in any terms for the Upper Tribunal to stay or suspend, or to lift a stay or suspension of, a decision which is or may be the subject of an appeal to the Upper Tribunal (“the substantive decision”) pending such appeal.

(2) A person who wishes the Upper Tribunal to decide whether the substantive decision should be stayed or suspended must make a written application to the Upper Tribunal which must include—

- (a) the name and address of the person making the application;
- (b) the name and address of any representative of that person;
- (c) the address to which documents for that person should be sent or delivered;
- (d) the name and address of any person who will be a respondent to the appeal;
- (e) details of the substantive decision and any decision as to when that decision is to take effect, and copies of any written record of, or reasons for, those decisions; and
- (f) the grounds on which the person making the application relies.

(3) In the case of an application under paragraph (2) [^{F2}in a road transport case] —

- (a) the person making the application must notify the [^{F3}decision maker] when making the application;
- (b) within 7 days of receiving notification of the application the [^{F4}decision maker] must send or deliver written reasons for refusing or withdrawing the stay—
 - (i) to the Upper Tribunal; and
 - (ii) to the person making the application, if the [^{F4}decision maker] has not already done so.

(4) If the Upper Tribunal grants a stay or suspension following an application under this rule—

- (a) the Upper Tribunal may give directions as to the conduct of the appeal of the substantive decision; and
- (b) the Upper Tribunal may, where appropriate, grant the stay or suspension subject to conditions.

(5) Unless the Upper Tribunal considers that there is good reason not to do so, the Upper Tribunal must send written notice of any decision made under this rule to each party.]

Changes to legislation: *The Tribunal Procedure (Upper Tribunal) Rules 2008, Section 20A is up to date with all changes known to be in force on or before 25 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*

Textual Amendments

- F1** Rule 20A inserted (1.9.2009) by [The Tribunal Procedure \(Amendment No. 2\) Rules 2009 \(S.I. 2009/1975\)](#), rules 1, **14**
- F2** Words in rule 20A(3) substituted (1.7.2012) by [The Tribunal Procedure \(Amendment No. 2\) Rules 2012 \(S.I. 2012/1363\)](#), rules 1(b), **6(a)**
- F3** Words in rule 20A(3)(a) substituted (1.7.2012) by [The Tribunal Procedure \(Amendment No. 2\) Rules 2012 \(S.I. 2012/1363\)](#), rules 1(b), **rule 6(b)**
- F4** Words in rule 20A(3)(b) substituted (1.7.2012) by [The Tribunal Procedure \(Amendment No. 2\) Rules 2012 \(S.I. 2012/1363\)](#), rules 1(b), **rule 6(b)**

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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\(4\)](#)