
STATUTORY INSTRUMENTS

2013 No. 1169

The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013

PART 6

Correcting, Setting Aside, Reviewing and Appealing Tribunal Decisions

Interpretation

49. In this Part—

“appeal” means the exercise of a right of appeal from the Tribunal—

- (a) on a point of law under section 11 of the 2007 Act;
- (b) on a point other than a point of law where such a right of appeal is conferred—
 - (i) by any enactment in relation to a residential property case or a leasehold case;
 - (ii) by section 111(1) of the 2002 LR Act in relation to a land registration case;

“review” means the review of a decision by the Tribunal under section 9 of the 2007 Act.

Clerical mistakes and accidental slips or omissions

50. The Tribunal may at any time correct any clerical mistake or other accidental slip or omission in a decision, direction or any document produced by it, by—

- (a) sending notification of the amended decision or direction, or a copy of the amended document, to each party; and
- (b) making any necessary amendment to any information published in relation to the decision, direction or document.

Setting aside a decision which disposes of proceedings

51.—(1) The Tribunal may set aside a decision which disposes of proceedings, or part of such a decision, and re-make the decision or the relevant part of it, if—

- (a) the Tribunal considers that it is in the interests of justice to do so; and
- (b) one or more of the conditions in paragraph (2) are satisfied.

(2) The conditions are—

- (a) a document relating to the proceedings was not sent to, or was not received at an appropriate time by, a party or a party's representative;
- (b) a document relating to the proceedings was not sent to or was not received by the Tribunal at an appropriate time;
- (c) a party, or a party's representative, was not present at a hearing related to the proceedings;
or

- (d) there has been some other procedural irregularity in the proceedings.
- (3) A party applying for a decision, or part of a decision, to be set aside under paragraph (1) must make a written application to the Tribunal so that it is received—
 - (a) within 28 days after the date on which the Tribunal sent notice of the decision to the party; or
 - (b) if later, within 28 days after the date on which the Tribunal sent notice of the reasons for the decision to the party.

Application for permission to appeal

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

(2) An application under paragraph (1) must be sent or delivered to the Tribunal so that it is received within 28 days 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.

(3) The date in paragraph (2)(c) applies only if the application for the decision to be set aside was made within the time stipulated in rule 51 or any extension of that time granted by the Tribunal.

(4) If the person seeking permission to appeal sends or delivers the application to the Tribunal later than the time required by paragraph (2) or by any extension of time under rule 6(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 received in time; and
- (b) unless the Tribunal extends time for the application under rule 6(3)(a) (power to extend time) the Tribunal must not admit the application.

(5) An application under paragraph (1) must—

- (a) identify the decision of the Tribunal to which it relates;
- (b) state the grounds of appeal; and
- (c) state the result the party making the application is seeking.

Tribunal's consideration of application for permission to appeal

53.—(1) On receiving an application for permission to appeal the Tribunal must first consider, taking into account the overriding objective in rule 3, whether to review the decision in accordance with rule 55 (review of a decision).

(2) If the Tribunal decides not to review the decision, or reviews the decision and decides to take no action in relation to the decision, or part of it, the Tribunal must consider whether to give permission to appeal in relation to the decision or that part of it.

(3) The Tribunal must send a record of its decision to the parties as soon as practicable.

(4) If the Tribunal refuses permission to appeal it must send with the record of its decision—

- (a) a statement of its reasons for such refusal; and
- (b) notification of the right to make an application to the Upper Tribunal for permission to appeal and the time within which, and the method by which, such application must be made.

(5) The Tribunal may give permission to appeal on limited grounds, but must comply with paragraph (4) in relation to any grounds on which it has refused permission.

Stay pending appeal to the Upper Tribunal

54.—(1) A party who wishes to apply to the Tribunal to stay the implementation of the whole or part of a decision pending the outcome of the appeal must make such an application to the Tribunal at the same time as the party applies to the Tribunal for permission to appeal.

(2) The party applying for a stay under paragraph (1) must provide reasons for the application and provide notice of the application to the other parties.

(3) Before reaching a decision to stay implementation of the whole or part of a decision, the Tribunal must allow the parties the opportunity to make representations or objections.

(4) The Tribunal must notify the parties of any decision that the Tribunal makes as to granting a stay of the implementation of the whole or part of the Tribunal's decision.

(5) In a land registration case, where the Tribunal's decision to stay implementation of a decision relates to a decision disposing of the proceedings, the Tribunal must provide to the registrar a copy of the notice under paragraph (4).

(6) The notice under paragraph (4) must—

- (a) be in writing;
- (b) be dated;
- (c) specify the decision made by the Tribunal; and
- (d) include the Tribunal's reasons for the decision.

Review of a decision

55.—(1) The Tribunal may only undertake a review of a decision—

- (a) pursuant to rule 53 (review on an application for permission to appeal); and
- (b) if it is satisfied that a ground of appeal is likely to be successful.

(2) The Tribunal must notify the parties in writing of the outcome of any review, and of any right of appeal in relation to the outcome.

(3) If the Tribunal takes any action in relation to a decision following a review without first giving every party an opportunity to make representations, the notice under paragraph (2) must state that any party that did not have an opportunity to make representations may apply for such action to be set aside and for the decision to be reviewed again.

Power to treat an application about a decision as a different type of application

56. The Tribunal may treat an application for a decision to be corrected or set aside or for permission to appeal against that decision, as an application for any other one of those things.

Changes to legislation:

There are currently no known outstanding effects for the The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, PART 6.