

SCHEDULE 4

Regulation (EU) No 251/2014 of the European Parliament and of the Council: new provisions

PART 5

New Articles 25a and 25b

“Article 25a

Appeals: general

1. An appeal may be made to the FTT against a decision of the Secretary of State specified in column 1 of the table in Annex 2B.
2. Such an appeal may be made:
 - (a) in all cases, by a person specified in the corresponding entry in column 2 of the table in Annex 2B;
 - (b) in the case of a decision affecting an application submitted by the authorities of a third country, by the authorities of that third country.
3. In determining such an appeal, the FTT:
 - (a) must consider the decision appealed against afresh;
 - (b) may take into account evidence that was not available to the Secretary of State.
4. The FTT may:
 - (a) dismiss the appeal, or
 - (b) if it allows the appeal, exercise any power specified in the corresponding entry in column 3 of the table in Annex 2B.
5. Where the FTT remits a matter to the Secretary of State for reconsideration and fresh decision:
 - (a) the Secretary of State, after making a fresh decision, must publish, in such manner as appears appropriate to the Secretary of State from time to time, a notice informing the appellant, the original applicant (if different) and the public of that fresh decision and the reasons for that decision;
 - (b) the provisions of this article, Article 25b and Annex 2B apply to the fresh decision made by the Secretary of State.

Article 25b

Secretary of State decision to consider a decision afresh and the effect of that decision on an appeal

1. The Secretary of State may, on the Secretary of State’s own initiative, consider a decision specified in column 1 of the table in Annex 2B (‘the original decision’) afresh if evidence becomes available to the Secretary of State after making the original decision that was not available to the Secretary of State at the time of the original decision.
2. Paragraph 1 applies even though an appeal has been made to the FTT in respect of the original decision.

Status: This is the original version (as it was originally made).

3. Where the Secretary of State decides to consider an original decision afresh in a case where an appeal has been made to the FTT in respect of that decision:
 - (a) the Secretary of State must notify the FTT of the Secretary of State's decision to consider the original decision afresh and must publish, in such manner as appears appropriate to the Secretary of State from time to time, a notice informing the appellant, the original applicant (if different) and the public of that decision;
 - (b) the appeal to the FTT is suspended until such time as the Secretary of State has made a fresh decision in relation to the matter;
 - (c) the Secretary of State must, following the making of the fresh decision, notify the FTT of that decision and must publish, in such manner as appears appropriate to the Secretary of State from time to time, a notice informing the appellant, the original applicant (if different) and the public of that decision and the reasons for that decision.
4. If the Secretary of State makes the same decision again, the appeal to the FTT restarts.
5. If the Secretary of State makes a different decision, the appeal to the FTT ceases unless the FTT directs otherwise."