
STATUTORY INSTRUMENTS

2008 No. 0000

TRIBUNALS AND INQUIRIES

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

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The Tribunal Procedure Committee has made and the Lord Chancellor has allowed the following Rules in exercise of the powers conferred by paragraphs 5(4) and 6A of the Schedule to the Pensions Appeal Tribunals Act 1943(a), sections 20(2) and (3) and 20A of the Social Security Act 1998(b) and sections 9, 10, 22 and 29 of, and Schedule 5 to, the Tribunals, Courts and Enforcement Act 2007(c), and in accordance with paragraph 28(1) of that Schedule.

(a) 1943 c.39. Paragraph 6A was inserted by section 59 of the Administration of Justice Act 1985 (c.61) and amended by paragraph 10 of Schedule 1 to the Armed Forces (Pensions and Compensation) Act 2004 (c.32)

(b) 1998 c.14.

(c) 2007 c.15.

PART 1

Introduction

Citation, commencement, application and interpretation

1.—(1) These Rules may be cited as the First-tier Tribunal (Social Entitlement Chamber) Rules 2008 and come into force on 3rd November 2008.

(2) These Rules apply to proceedings before the Tribunal which have been allocated to the Social Entitlement Chamber by an order made under section 7(9) of the 2007 Act.

(3) In these Rules—

“2007 Act” means the Tribunals, Courts and Enforcement Act 2007;

“appellant” means a person who commences Tribunal proceedings, whether by making an application, appeal or reference, or a person substituted as an appellant under rule [8] (substitution and addition of parties);

“armed forces case” means an appeal under the Pensions Appeal Tribunals Act 1943 or the War Pensions (Administrative Provisions) Act 1919;

“document” means anything in which information is recorded in any form, and an obligation under these Rules to provide or allow access to a document or a copy of a document for any purpose means, unless the Tribunal directs otherwise, an obligation to provide or allow access to such document or copy in a legible form or in a form which can be readily made into a legible form;

“final determination” means a decision of the Tribunal which disposes of proceedings, but a refusal of an application for appeal or review under rule [36] (application for appeal or review) is not a final determination;

“hearing” means an oral hearing and includes a hearing conducted in whole or in part by video link, telephone or other means of instantaneous two-way electronic communication;

“interested party” means a person added as an interested party under rule [8] (substitution and addition of parties);

“party” means a person who is (or was at the time of a final determination) an appellant, respondent or interested party;

“respondent” means (in proceedings challenging a decision) the maker of the decision challenged, or a person substituted or added as a respondent under rule [8] (substitution and addition of parties);

“Social Entitlement Chamber” means the Social Entitlement Chamber of the First-tier Tribunal established by [the [] Order 2008];

“social security case” means an appeal regarding payments or recovery of payments in respect of social security benefits, child benefit, guardian’s allowance, child support, vaccine damage, tax credits, child trust funds, personal injury costs or payments in consequence of diffuse mesothelioma;

“Tribunal” means the First-tier Tribunal;

“working day” means any day except a Saturday or Sunday, Christmas Day, Good Friday or a bank holiday under section 1 of the Banking and Financial Dealings Act 1971(a).

Overriding objective and parties’ obligation to co-operate with the tribunal

2.—(1) The overriding objective is to deal with cases fairly and justly.

(2) Dealing with a case fairly and justly includes—

(a) 1971 c.80.

- (a) dealing with the case in ways which are proportionate to the importance of the case, the complexity of the issues, the anticipated costs and the resources of the parties;
 - (b) avoiding unnecessary formality and seeking flexibility in the proceedings;
 - (c) ensuring, so far as practicable, that the parties are able to participate fully in the proceedings;
 - (d) using any special expertise of the Tribunal effectively; and
 - (e) avoiding delay.
- (3) The Tribunal must seek to give effect to the overriding objective when it—
- (a) exercises any power under these Rules; or
 - (b) interprets any rule.
- (4) The Tribunal must bring to the attention of the parties the availability of any appropriate alternative procedure for the resolution of the dispute and explain the procedure to them and, if the parties wish, must facilitate the use of the procedure if it would not cause undue delay.
- (5) Parties to Tribunal proceedings must—
- (a) help the Tribunal to further the overriding objective; and
 - (b) co-operate with the Tribunal generally.

PART 2

General powers and provisions

Power to delegate

3.—(1) The Tribunal may delegate to staff appointed under section 40(1) of the 2007 Act (tribunal staff and services) a function permitted or required by these Rules to be done by the Tribunal if—

- (a) the function is of a purely administrative nature; or
- (b) the Senior President of Tribunals has approved the delegation.

(2) The approval referred to at paragraph (1)(b) may apply generally to the delegation of specified functions to members of staff of a specified description in specified circumstances.

(3) Within 14 days of receiving notice of a decision made by a member of staff under paragraph (1)(b), a party may apply in writing to the Tribunal for that decision to be reconsidered by a judge.

Case management powers

4.—(1) The Tribunal may give directions at any time in relation to the conduct or disposal of proceedings.

(2) In particular, and without restriction on the general power to give directions under paragraph (1), the Tribunal may by directions—

- (a) extend the time for complying with any rule, practice direction or direction, unless such extension would conflict with rule [15(3)] (no extension of more than 12 months in social security or armed forces case) or a provision of another enactment, if—
 - (i) the party requesting the extension has shown a good reason why the extension is necessary;
 - (ii) the Tribunal considers the extension to be in the interests of justice;
- (b) shorten the time for complying with any rule, practice direction or direction (except where such shortening would conflict with a provision of another enactment);
- (c) consolidate or hear together two or more sets of proceedings or an issue raised in two or more sets of proceedings, or treat a case as a lead case;

- (d) permit or require a party to amend a notice of appeal or response;
 - (e) permit or require a party or another person to provide documents, information or submissions to the Tribunal or a party;
 - (f) permit a party to withhold disclosure of a document that the party would otherwise be required to disclose;
 - (g) deal with an issue in the proceedings as a preliminary issue;
 - (h) hold a hearing to consider any matter, including a case management hearing or conference;
 - (i) decide the form of any hearing;
 - (j) adjourn or postpone a hearing;
 - (k) require a party to produce the bundle for a hearing;
 - (l) stay (or, in Scotland, sist) proceedings;
 - (m) stay execution of its own decision pending an appeal or review of such decision;
 - (n) dismiss a party's case or part of it if there is no reasonable prospect of it succeeding.
- (3) Rule 5 (directions) sets out the procedures for applying for and giving directions.

Directions

5.—(1) The Tribunal may give a direction at any time, including a direction amending, suspending or setting aside an earlier direction.

(2) The Tribunal may give a direction—

- (a) on the application of one or more of the parties; or
- (b) on its own initiative.

(3) An application for directions must include the reasons for making that application.

(4) An application for directions may be made either—

- (a) by sending or delivering a written application to the Tribunal; or
- (b) orally during the course of a hearing.

(5) The Tribunal may give a direction which states that failure by a party to comply with the direction could lead to the striking out of that party's case, or part of it.

(6) Unless the Tribunal considers that there is a good reason not to do so, the Tribunal must send written notice of any direction to every party to the proceedings and any other person required to take any action pursuant to the direction.

Failure to comply with rules, practice directions or tribunal directions

6.—(1) An irregularity resulting from a failure to comply with any provision of these Rules, a practice direction or a direction does not of itself render void the proceedings or any step taken in the proceedings.

(2) If a party has failed to comply with a requirement in these Rules, a practice direction or a direction, the Tribunal may take such action as it considers just, which may include—

- (a) waiving the requirement;
- (b) requiring the failure to be remedied; or
- (c) exercising its power under rule [7] (strike out of a party's case).

Lapse or strike out of a party's case

7.—(1) In a social security or armed forces case—

- (a) if the decision challenged is revised so that the revised decision is more advantageous to the appellant, the proceedings shall lapse;

- (b) if the decision challenged is revised so that the revised decision is not more advantageous to the appellant, the proceedings shall proceed as if they had been brought in relation to the revised decision; and
 - (c) the appellant may make further representations in relation to the proceedings within one month of the date that notice of the revised decision was sent to the appellant.
- (2) The Tribunal must strike out the whole or a part of a party's case if the Tribunal does not have jurisdiction in relation to the case or that part of the case.
- (3) The Tribunal may strike out the whole or a part of a party's case if—
- (a) that party has failed to comply with a direction which stated that failure to comply with the direction could lead to the striking out of the party's case or part of it; or
 - (b) that party has failed to co-operate with the Tribunal to such an extent that it is impossible for the Tribunal to conduct the proceedings fairly and justly.
- (4) If the Tribunal strikes out the whole or a part of a party's case without first giving that party an opportunity to make representations, that party may apply for the case, or part of it, that has been struck out to be reinstated.

Substitution and addition of parties

- 8.**—(1) The Tribunal may give a direction substituting a party if—
- (a) the wrong person has been named as a party; or
 - (b) the substitution has become necessary because of a change in circumstances since the start of proceedings.
- (2) The Tribunal may give a direction adding a person to the proceedings as an interested party or a respondent.

No power to award costs

- 9.** The Tribunal may not make an order awarding costs (or, in Scotland, expenses).

Power to award expenses

- 10.**—(1) This rule does not apply to asylum support cases.
- (2) The Tribunal may pay reasonably incurred expenses or allowances to a person who in Tribunal proceedings—
- (a) gives evidence;
 - (b) produces documents;
 - (c) attends a hearing; or
 - (d) attends a medical examination.

Representatives

- 11.**—(1) A party may appoint a representative (whether legally qualified or not) to represent that party in the proceedings.
- (2) Anything permitted or required to be done by or provided to a party under these Rules, a practice direction or a direction, other than signing a witness statement or a notice under paragraph (4), may be done by or provided to the representative of that party.
- (3) If the Tribunal or a party receives notice of the appointment of a representative from the represented party, the Tribunal or party—
- (a) may assume that the representative is and remains authorised until receiving written notification to the contrary from the representative or the represented party; and

- (b) must provide to the representative any document which is required to be sent to the represented party, and need not provide that document to the represented party.
- (4) In asylum support cases, a party who appoints a representative must send or deliver to the Tribunal and to each other party a written notice containing—
 - (a) a statement that the representative is authorised to act on the party’s behalf; and
 - (b) the representative’s name and address.
- (5) At a hearing a party may be accompanied by another person, who may assist in presenting the party’s case.
- (6) Paragraphs (2) to (4) do not apply to a person accompanying a party in accordance with paragraph (5).

Calculating time

- 12.—(1) An act required by these Rules, a practice direction or a direction to be done on or by a particular day must be done before 5pm on that day.
- (2) If the time specified by these Rules, a practice direction or a direction for doing any act ends on a day other than a working day, the act is done in time if it is done on the next working day.

Sending and delivery of documents

- 13.—(1) Any document to be sent or delivered to the Tribunal under these Rules must be—
 - (a) sent by prepaid post or delivered by hand to the address specified for the proceedings;
 - (b) sent by fax to the number specified for the proceedings; or
 - (c) sent or delivered by such other method as the Tribunal may permit or direct.
- (2) Subject to paragraph (3), a party may inform the Tribunal and all other parties that a particular form of communication (other than pre-paid post or delivery by hand) should not be used to send documents to that party.
- (3) If a party or representative provides a fax number, email address or other details for the electronic transmission of documents to them, that party or representative must accept delivery of documents by that method.

Prohibition on disclosure or publication

- 14.—(1) The Tribunal may make an order prohibiting the disclosure or publication of—
 - (a) specified documents or information relating to the proceedings; or
 - (b) any matter likely to lead members of the public to identify any person who the Tribunal considers should not be identified.
- (2) The Tribunal may use the power in paragraph (1) in order to take action under rules [22] (withholding documents or information likely to cause harm) and [26] (confidentiality in child support or child trust fund cases) and in such other circumstances as it considers just.

PART 3

Proceedings before the Tribunal

CHAPTER 1

Before the final determination

Cases in which the notice of appeal is to be sent to the respondent

15.—(1) In social security and armed forces cases an appellant must start proceedings by sending or delivering a notice of appeal to the respondent so that it is received within the time specified in the Schedule.

(2) Subject to paragraph (3), where an appeal is not made within the time specified in the Schedule, it will be treated as having been made in time if the respondent does not object.

(3) No appeal may be made more than 12 months after the time specified in the Schedule.

(4) The notice of appeal must be in English (or, in appeals relating to Wales, may be in Welsh), must be signed by the appellant and must state—

- (a) the name and address of the appellant;
- (b) details of the decision challenged;
- (c) the grounds on which the appellant intends to rely.

(5) The respondent must refer the case to the Tribunal immediately if—

- (a) the appeal has been made after the time specified in the Schedule and the respondent objects to it being treated as having been made in time; or
- (b) the respondent considers that the appeal has been made more than 12 months after the time specified in the Schedule.

Cases in which the notice of appeal is to be sent to the Tribunal

16.—(1) If rule [15] (cases in which the notice of appeal is to be sent to the respondent) does not apply, an appellant must start proceedings by sending or delivering a notice of appeal to the Tribunal so that it is received—

- (a) in asylum support cases, within 3 days after the date on which written notice of the decision being challenged was sent to the appellant;
- (b) in criminal injury compensation cases, within 90 days of the date of the decision being challenged;
- (c) otherwise, within 28 days of the date on which written notice of the decision being challenged was sent to the appellant.

(2) The appellant must send with the notice of appeal a copy of any written record of the decision being challenged, and any statement of reasons for that decision, that the appellant has or can reasonably obtain.

(3) If the appellant provides the notice of appeal to the Tribunal later than required by paragraph (1) or an extension of time allowed under rule [4(2)(a)] (extension of time), the notice of appeal must include a request for an extension of time and reasons why the notice of appeal was not provided in time.

(4) When the Tribunal receives the notice of appeal it must send a copy of the notice of appeal and any accompanying documents to each other party.

(5) The notice of appeal must be in English (or, in appeals relating to Wales, may be in Welsh), must be signed by the appellant and state—

- (a) the name and address of the appellant;
- (b) the name and address of the appellant's representative (if any);

- (c) an address where documents for the appellant may be sent or delivered and, if that address is outside the United Kingdom, an email address or fax number to which documents may be sent;
 - (d) the name and address of any respondent;
 - (e) details (including full reference) of the decision challenged;
 - (f) the grounds on which the appellant intends to rely; and
 - (g) whether the appellant would be content for the case to be dealt with without a hearing if the Tribunal considers it appropriate.
- (6) The appellant must provide with the notice of appeal—
- (a) any documents in support of the appellant’s case which have not been supplied to the respondent; and
 - (b) any further information or documents required by an applicable practice direction.
- (7) In asylum support cases the notice of appeal must also—
- (a) state whether the appellant would require an interpreter at any hearing, and if so for which language or dialect; and
 - (b) state whether the appellant intends to attend or be represented at any hearing.

The response

17.—(1) When a respondent receives the notice of appeal or a copy of it, unless the proceedings have lapsed pursuant to another enactment, the respondent must send or deliver to the Tribunal a response so that it is received—

- (a) in asylum support cases, within 3 days after the date on which the respondent received the notice of appeal; and
 - (b) in other cases, as soon as reasonably practicable.
- (2) The response must state—
- (a) the name and address of the respondent;
 - (b) the name and address of the respondent’s representative (if any);
 - (c) an address where documents for the respondent may be sent or delivered; and
 - (d) any further information or documents required by a practice direction or direction.
- (3) The respondent must provide with the response—
- (a) a copy of any written record of the decision under challenge, and any statement of reasons for that decision, if they were not sent with the notice of appeal;
 - (b) copies of all documents relevant to the matter in the possession of the respondent, unless a practice direction or direction states otherwise; and
 - (c) in cases to which rule [15] applies—
 - (i) a copy of the notice of appeal and any documents provided by the appellant with the notice of appeal; and
 - (ii) a request to the appellant to provide the information required by rule [18(1)].
- (4) The response may include—
- (a) a statement as to whether the respondent opposes the appellant’s case and, if so, any grounds for such opposition which would not otherwise be before the Tribunal; and
 - (b) a submission as to whether it would be appropriate for the case to be dealt with without a hearing.
- (5) The respondent must send or deliver a copy of the response and any accompanying documents to each other party at the same time as it sends the response to the Tribunal.

(6) If the respondent provides the response to the Tribunal later than required by paragraph (1) or any extension allowed under rule 4(2)(a), the response must include a request for an extension of time and reasons why the response was not provided in time.

After the response

18.—(1) In cases to which rule [15] (cases in which the notice of appeal is to be sent to the respondent) applies, the appellant must send the information specified in paragraph (2) to the Tribunal so that it is received within 14 days of the date that the appellant received the request under rule [17(3)(c)(ii)] (the response).

(2) The information referred to at paragraph (1) is—

- (a) the name and address of the appellant’s representative (if any);
- (b) whether the appellant would be content for the case to be dealt with without a hearing if the Tribunal considers it appropriate; and
- (c) whether the appellant would require an interpreter at any hearing, and if so for which language or dialect.

Withdrawal and dismissal by consent

19.—(1) Subject to paragraph (3), a party to the proceedings may withdraw its case, or any part of it—

- (a) at any time before the hearing to consider the final determination (or, if the Tribunal is to determine the appeal without a hearing, before such determination) by sending or delivering to the Tribunal a written notice of withdrawal; or
- (b) orally at a hearing.

(2) In criminal injury compensation cases the appellant may withdraw its case, or part of it, only with the consent of the Tribunal.

(3) After a party has withdrawn its case, that party may only bring new proceedings, or present the same case, in relation to the same decision—

- (a) in armed forces cases; or
- (b) with the consent of the Tribunal, in asylum support cases.

(4) The Tribunal may, at the request of the parties but only if it considers it appropriate, make a consent order dismissing the proceedings and making such other appropriate provisions as the parties have agreed.

Evidence and submissions

20.—(1) The Tribunal may give directions as to—

- (a) issues on which it requires evidence or submissions;
- (b) the nature of the evidence or submissions it requires;
- (c) whether the parties are permitted or requested to provide expert evidence, and if so whether the parties must jointly appoint a single expert to provide such evidence;
- (d) any limit on the number of witnesses whose evidence a party may put forward, whether in relation to a particular issue or generally;
- (e) the manner in which any further evidence or submissions are to be provided, which may include a direction for them to be given—
 - (i) orally at a hearing; or
 - (ii) by written submissions or witness statement; and
- (f) the time at which any further evidence or submissions are to be provided.

(2) The Tribunal may—

- (a) admit evidence whether or not—
 - (i) the evidence would be admissible in a civil trial in the United Kingdom; or
 - (ii) the evidence was available to a previous decision maker;
- (b) exclude evidence that would otherwise be admissible where—
 - (i) the evidence was not provided within the time allowed by a direction or a practice direction;
 - (ii) the evidence was otherwise provided in a manner that did not comply with a direction or a practice direction; or
 - (iii) it would otherwise be unfair to admit the evidence.

(3) The Tribunal may require any witness to give evidence on oath or affirmation, and may administer an oath or affirmation for that purpose.

Summoning or citation of witnesses and production of documents

21.—(1) On the application of a party or on its own initiative, the Tribunal may by summons (or, in Scotland, citation) require any person—

- (a) to attend as a witness at a hearing at the time and place specified in the summons; and
- (b) to answer any questions or produce any documents in that person’s possession or control which relate to any issue in the proceedings.

(2) The Tribunal may only make the requirement at paragraph (1)(a) if—

- (a) the person required to attend has been given reasonable notice of the hearing; and
- (b) the summons or citation makes provision for the person’s necessary expenses of attendance to be paid, and states the payer, unless the person is a party to the proceedings.

(3) No person may be compelled to give any evidence or produce any document that the person could not be compelled to give or produce on a trial of an action in a court of law in the part of the United Kingdom where the proceedings are due to be determined.

(4) A summons or citation under this rule must—

- (a) state that the person on whom the requirement is imposed may apply to the Tribunal to vary or set aside the summons or citation, if they have not had an opportunity to object to it; and
- (b) state the consequences of failure to comply with the summons or citation.

(5) When a summons is issued, the Tribunal must send a copy of the summons to each party to the proceedings.

(6) If a person fails to comply with a requirement imposed by the Tribunal under this rule, the Tribunal may refer the matter to the Upper Tribunal with a request that the Upper Tribunal take appropriate action as if the requirement had been imposed by the Upper Tribunal.

Withholding documents or information likely to cause harm

22.—(1) The Tribunal must give a direction prohibiting the disclosure of a document or information to a person if it is satisfied that such disclosure would be likely to cause that person or some other person serious harm.

(2) The Tribunal may exclude a person from part of a hearing if it is necessary in order to avoid undermining a direction given under paragraph (1).

(3) If the Tribunal gives a direction under paragraph (1) which prevents disclosure to a party who has a representative, the Tribunal may give a direction that the documents or information be disclosed to that representative if it is satisfied that—

- (a) disclosure to the representative would be in the interests of the party; and
- (b) the representative would not be likely to act contrary to paragraph (4).

(4) Documents or information disclosed to a representative in accordance with a direction under paragraph (3) must not—

- (a) be disclosed either directly or indirectly to any other person without the Tribunal's consent; or
- (b) be used otherwise than in connection with the proceedings.

(5) If the respondent considers that the Tribunal should give a direction under paragraph (1) prohibiting the disclosure of part or all of the medical history of the appellant or of the person in respect of whose death an appeal is brought, the respondent must—

- (a) exclude that part of the medical history of the appellant from any document that will be provided to the appellant; and
- (b) provide to the Tribunal the excluded part of the medical history of the appellant and the reasons for its exclusion, so that the Tribunal may decide whether the information should be disclosed to the appellant or should be the subject of a direction under paragraph (1).

Transfer of armed forces cases

23.—(1) This rule applies only to armed forces cases.

(2) The Tribunal may, at the request of the appellant, transfer the proceedings to a tribunal appointed for Scotland or to a tribunal appointed for Northern Ireland if—

- (a) the appellant did not reside in the United Kingdom when the proceedings were started; and
- (b) the appellant has satisfied the Tribunal that—
 - (i) the appellant has a closer connection with Scotland or with Northern Ireland than with England and Wales; or
 - (ii) there is some other good reason for the appeal to be heard in Scotland or in Northern Ireland.

(3) If the Tribunal transfers the proceedings under paragraph (2) it must notify the parties and the tribunal to which it transfers the proceedings.

(4) If the Tribunal refuses a request to transfer the proceedings under paragraph (2) it must send written notice of reasons for such refusal to the appellant.

Medical examinations and commissioning of medical evidence in armed forces cases

24.—(1) This rule applies only to armed forces cases.

(2) An appropriate member of the Tribunal may make a medical examination of the appellant at a hearing if—

- (a) the proceedings relate to the appellant's incapacity for work or disablement; and
- (b) the appellant consents.

(3) If the appellant is resident outside the United Kingdom—

- (a) in proceedings under section 1, 2, 3 or 4 of the Pensions Appeal Tribunals Act 1943, the Tribunal may arrange a medical examination of the appellant; and
- (b) in proceedings under section 5 of the Pensions Appeal Tribunals Act 1943, the Tribunal must arrange a medical examination of the appellant unless it directs that it is not practicable to do so.

(4) If a difficult medical or other technical question arises in a case the Tribunal may—

- (a) request a medical or other technical specialist to provide a report in relation to the question; and
- (b) if the question is a medical one, arrange for the appellant to be examined for the purposes of the preparation of such a report.

(5) Subject to rule [22] (withholding documents or information likely to cause harm) the Tribunal must provide to each party a copy of any report obtained under this rule.

Medical and physical examination in appeals under section 12 of the Social Security Act 1998

25.—(1) This rule applies only to appeals under section 12 of the Social Security Act 1998.

(2) At a hearing the Tribunal—

- (a) may carry out a physical examination of a person if the case relates to—
 - (i) the extent of that person’s disablement and its assessment in accordance with section 103 and Schedule 6 of the Social Security Contributions and Benefits Act 1992 (c.4); or
 - (ii) diseases or injuries prescribed for the purpose of section 108 of that Act; but
- (b) may not require that person to undergo a physical test for the purpose of determining whether that person is either unable to walk or virtually unable to do so.

(3) Paragraph (4) applies if—

- (a) a physical examination under paragraph (1) is not permitted or possible; and
- (b) the Tribunal considers that an examination is necessary for the determination of a medical question which is at issue.

(4) In the circumstances specified in paragraph (3) the Tribunal may refer a person in respect of whom the claim is made or whose entitlement is at issue to a health care professional approved by the Secretary of State for—

- (a) the examination of that person; and
- (b) the production of a report on the condition of that person.

(5) When making a referral under paragraph (4) the Tribunal—

- (a) must specify the scope of the examination and report that it considers necessary; and
- (b) may specify the description of health care professional.

Confidentiality in child support or child trust fund cases

26.—(1) Paragraph (2) applies—

- (a) in proceedings under the Child Support Act 1991 except in an appeal against a reduced benefit decision—
 - (i) if a non-resident parent or parent with care has, within 14 days of an enquiry from the Secretary of State, notified the Secretary of State that they would like the information specified in paragraph (2)(a)(i) and (b) which relates to them to remain confidential; and
 - (ii) to the extent that such information is not already known to each other party; and
- (b) in proceedings under the Child Trust Funds Act 2004—
 - (i) if a relevant person, or a local authority with parental responsibility in relation to the eligible child, has, when notice of appeal is given to the Board or within 14 days of an enquiry from the Board, notified the Board that they would like the information specified in paragraph (2)(a)(ii) and (b) which relates to the eligible child to remain confidential; and
 - (ii) to the extent that such information is not already known to each other party.

(2) In the circumstances specified in paragraph (1) the Secretary of State and the Tribunal must take appropriate steps to secure the confidentiality of—

- (a) the address of—
 - (i) the non-resident parent, the parent with care, the child, a parent of the child or any other person with care of the child, as the case may be; or

- (ii) the eligible child or any relevant person; and
 - (b) any information which could be reasonably expected to lead to the location of any person specified in sub-paragraph (a).
- (3) In this rule—
- “the Board” means the Commissioners of Inland Revenue;
 - “eligible child” has the meaning set out in section 2 of the Child Trust Funds Act 2004;
 - “non-resident parent” and “parent with care” have the meanings set out in section 54 of the Child Support Act 1991;
 - “parental responsibility” has the meaning set out in section 3(9) of the Child Trust Funds Act 2004;
 - “reduced benefit decision” has the meaning set out in section 46(10)(b) of the Child Support Act 1991; and
 - “relevant person” has the meaning set out in section 22(3) of the Child Trust Funds Act 2004.

CHAPTER 2

Hearings

Determination with or without a hearing

27.—(1) Subject to the following paragraphs, the Tribunal must hold a hearing to make a final determination unless—

- (a) the appellant has consented to, or has not objected to, the matter being determined without a hearing; and
- (b) the Tribunal decides to determine the matter without the hearing.

(2) In criminal injury compensation cases the Tribunal may make a final determination without a hearing.

(3) If the Tribunal would not have been entitled to make a final determination without a hearing under paragraph (1) but does so under paragraph (2) any party may apply to the Tribunal for the decision to be reconsidered at a hearing provided that—

- (a) the party sends the application to the Tribunal so that it is received within 28 days of the date that the Tribunal sent notice of the decision to that party; and
- (b) the final determination is a decision other than a decision—
 - (i) not to extend a time limit;
 - (ii) not to set aside a previous decision;
 - (iii) not to allow an appeal against a decision not to extend a time limit; or
 - (iv) not to allow an appeal against a decision not to reopen a case.

(4) The Tribunal may in any event dispose of proceedings without a hearing under rules—

- (a) [4(2)(n)] (dismissal of a case with no reasonable prospect of success); or
- (b) [7(2) or (3)] (strike out).

Time and place of hearings

28. The Tribunal must give the parties reasonable notice, and in any event not less than 14 days’ notice, of the time and place of any hearing (including any adjourned or postponed hearing) and any changes to the time and place of any hearing, except that—

- (a) in asylum support cases the Tribunal must give not less than 1 day’s and not more than 5 days’ notice; and
- (b) the Tribunal may give less than 14 days’ notice—
 - (i) with the parties’ consent; or

- (ii) in other urgent or exceptional circumstances.

Public and private hearings

29.—(1) Except as otherwise provided in this rule all hearings must be held in public.

(2) A hearing in a criminal injury compensation case must be held in private unless the Tribunal considers that it is in the interests of justice for the hearing to be held in public.

(3) The Tribunal may give a direction that a hearing, or part of it, is to be held in private.

(4) Where a hearing, or part of it, is to be held in private, the Tribunal may, if there is good reason to do so—

- (a) exclude particular individuals from the hearing or part of it; or
- (b) permit particular individuals to attend the hearing or part of it.

(5) The Tribunal may give a direction excluding from any hearing, or part of it, any person whose conduct the Tribunal considers is disrupting or is likely to disrupt the hearing.

Hearings in a party's absence

30. If a party fails to attend a hearing the Tribunal may proceed with the hearing if the Tribunal—

- (a) (i) is satisfied that the party was duly notified of the hearing; and
(ii) is not aware of any good reason for the failure to attend; or
- (b) otherwise considers that it is in the interests of justice to proceed with the hearing.

CHAPTER 3

Decisions

Notice of final determination

31.—(1) The Tribunal must record its final determination in a written decision notice and—

- (a) if the decision is made at a hearing, the Tribunal may provide a copy of the decision notice to each party at the end of the hearing; or
- (b) if the Tribunal has not provided a copy of the decision notice to a party under paragraph (a), the Tribunal must send a copy of the decision notice to that party as soon as reasonably practicable.

(2) In asylum support cases the Tribunal must send any copies of the decision notice required to be sent under paragraph (1)(b) on the day that the decision is made.

Reasons for final determination

32.—(1) In asylum support cases the Tribunal must send a written statement of reasons for a final determination to the parties—

- (a) if the case is decided at a hearing, within 3 days of the hearing; or
- (b) if the case is decided without a hearing, on the day that the decision is made.

(2) In all other cases—

- (a) the Tribunal may give reasons for a final determination—
 - (i) orally at a hearing; or
 - (ii) in a written statement of reasons provided to each party;
- (b) unless the Tribunal has already provided a written statement of reasons under paragraph (2)(a)(ii), a party may send an application for a written statement of reasons of a final determination to the Tribunal so that it is received within 1 month of the date that the Tribunal sent or otherwise provided notice of the decision to the party; and

- (c) if a party makes an application in accordance with sub-paragraph (b) the Tribunal must send a written statement of reasons to each party within 1 month of the date that it received the application.

Publication and notification of decisions

- 33.** The Tribunal may, where appropriate—
- (a) publish a decision or the reasons for a decision; or
 - (b) send notice of a decision or the reasons for it to any person.

PART 4

Correcting, setting aside, reviewing and appealing Tribunal decisions

Clerical mistakes and accidental slips or omissions

34. 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 all parties; and
- (b) making any necessary amendment to any information published in relation to the decision, direction or document.

Setting aside a final determination

35.—(1) The Tribunal may set aside a final determination, and require the matter to be decided afresh, if—

- (a)
 - (i) 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;
 - (ii) a document relating to the proceedings was not sent to the Tribunal at an appropriate time;
 - (iii) a party, or a party’s representative, was not present at a hearing related to the proceedings; or
 - (iv) there has been any other procedural irregularity in the proceedings; and
- (b) the Tribunal considers that it is in the interests of justice to do so.

(2) A party applying for a decision to be set aside under paragraph (1) must send a written application to the Tribunal so that it is received no later than 1 month after the date on which the Tribunal sent notice of the decision to the party.

Combined application for appeal or review

36.—(1) In this rule—

“appeal” means the exercise of a right of appeal under section 11 of the 2007 Act (right to appeal to the Upper Tribunal); and

“review” means the review of a decision by the Tribunal under section 9 of the 2007 Act (review of decision of First-tier Tribunal).

(2) A party may seek a review of, or permission to appeal against, a decision if—

- (a) the Tribunal has made an error of law in the decision; and
- (b) the decision is not an excluded decision as defined in section 11(5) of the 2007 Act.

(3) A party seeking a review or permission to appeal must send or deliver to the Tribunal a written application for appeal or review so that it is received no later than 1 month after the latest of the date that the Tribunal sends—

- (a) written reasons for the decision of the Tribunal;
- (b) notification of a new or amended decision following a review; or
- (c) notification that an application for the decision to be set aside has been unsuccessful, provided that that application was made within the time stipulated in rule [34] (setting aside a final determination).

(4) An application under paragraph (3) 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 seeks.

(5) On receiving the application for appeal or review the Tribunal must first consider whether to review the decision under rule [37] (power to review a decision).

(6) If the Tribunal decides not to review the decision, or reviews the decision and decides not to set aside or amend the decision, the Tribunal must consider whether to grant permission to appeal, and must send to the parties as soon as practicable—

- (a) a record of its decision; and
- (b) if the Tribunal has refused to grant permission—
 - (i) reasons for such refusal; and
 - (ii) 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.

(7) The Tribunal may grant permission to appeal on limited grounds, but must comply with paragraph (6)(b) in relation to any grounds on which it has refused permission.

Power to review a decision

37.—(1) In this rule “review” means the review of a decision by the Tribunal under section 9 of the 2007 Act (review of decision of First-tier Tribunal).

(2) The Tribunal may undertake a review of a decision—

- (a) pursuant to rule [36(5)] (review on an application for appeal or review); or
- (b) on its own initiative at any time.

(3) The Tribunal must notify the parties in writing of the outcome of any review, unless the Tribunal undertakes the review on its own initiative and decides to take no action following the review.

(4) If the Tribunal sets aside or amends a decision following a review without first giving every party an opportunity to make representations, the notice under paragraph (3) must state that any party that did not have an opportunity to make representations may apply for the setting aside or amendment to be reversed.

(5) If the Tribunal sets aside or amends a decision following a review, the Tribunal must also make any necessary amendment to any document published by it in relation to the decision.

Power to consider applications as different types of applications

38.—(1) If a party applies for the correction or setting aside of a decision, or makes an application for appeal or review, the Tribunal may treat the application as an application for any other one of those things.

(2) Paragraph (1) applies subject to the decision being excluded from review or appeal as an “excluded decision” under section 11 of the 2007 Act.

SCHEDULE

Rule 15

Time limits for providing notices of appeal to the respondent

<i>Type of proceedings</i>	<i>Time for providing notice of appeal</i>
cases other than those listed below	(a) within 1 month of the date that notice of the decision being challenged was sent to the appellant; or (b) if a written statement of reasons for the decision is requested, within 14 days of the later of the date that the period at (a) expires and the date on which the written statement of reasons was provided.
appeal against a certificate of NHS charges under section 157(1) of the Health and Social Care (Community Health and Standards) Act 2003 (c.43)	not later than 3 months after the later of— (a) the date on the certificate; or (b) the date on which the compensation payment was made
appeal against a certificate of recoverable benefits under section 11 of the Social Security (Recovery of Benefits) Act 1997	not later than one month after the latest of— (a) the date on which any payment to the Secretary of State required under section 6 of the Social Security (Recovery of Benefits) Act 1997 (c.27) was made; (b) if the certificate has been reviewed, the date the certificate was confirmed or a fresh certificate was issued; or (c) the date of any agreement to treat an earlier compensation payment as having been made in final discharge of a claim made by or in respect of an injured person and arising out of the accident, injury or disease
appeals under the Vaccine Damage Payments Act 1979	no time limit
appeals under the Tax Credit Act 2002	as set out in the Tax Credit Act 2002
appeals under the Child Trust Funds Act 2004	as set out in the Child Trust Funds Act 2004
proceedings under section 5(1) of the Pensions Appeal Tribunals Act 1943	within 3 months beginning with the date on written notice of the decision being challenged was sent to the appellant
other cases under the Pensions Appeal Tribunals Act 1943	within 6 months beginning with the date on which written notice of the decision being challenged was sent to the appellant