



GRC Guidance Note 2

PERMISSION TO APPEAL on or after 18 January 2010

1. The Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009 as amended by the Tribunal Procedure (Amendment No 3) Rules 2010 (the Rules) provide for the correcting, setting aside, reviewing and appealing of First-tier Tribunal (FTT) decisions. When considering what should happen after a decision has been handed down the judge should bear in mind all of these various powers.

2. GRC jurisdictions will use a similar format for applications for permission to appeal to the Upper Tribunal (UT) with accompanying notes or their documentation must be approved by the President of the GRC. An example of the format and notes are contained in the annex to this Guidance Note.

3. Under paragraph 13 of the Senior President of Tribunals Practice Statement on the Composition of Tribunals dated 21st August 2009 (PS) where the Tribunal has given a decision that disposes of proceedings (the substantive decision), any matter decided under, or in accordance with, rule 5(3)(1) or Part 4 of the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) 2009 Rules as amended or section 9 of the Tribunals, Courts and Enforcement Act 2007 must be decided by one judge, unless the Chamber President considers it appropriate that it is decided either by:-

- a. the same members of the Tribunal as gave the substantive decision;
- or
- b. a Tribunal, constituted in accordance with paragraphs 4 to 12 [of the PS] comprised of different members of the Tribunal to that which gave the substantive decision.

4. In order for the Chamber President to consider whether it is appropriate for one judge to consider such an application under paragraph 13 of the PS all applications after the disposal of a case must be sent to the Principal Judge (PJ) of the jurisdiction in question. The PJ should then consider whether the matter should be referred to the Chamber President to exercise any of his powers under paragraph 13 a. and b. If there is no reason to think that it should be referred to the Chamber President then the PJ should decide

whether an application should be dealt with by the judge who presided or the panel who heard the case, or some other judge including the PJ or new panel.

5. In order for the Chamber President to be aware of applications for permission which are granted or refused PJs are requested to notify the Chamber President of decisions to give or refuse permission to appeal to the UT by emailing him a copy of the decision together with a copy of the application for permission to appeal within 7 days of the decision at john.angel@judiciary.gsi.gov.uk.

John Angel
Acting President
General Regulatory Chamber
9 February 2010