

## Amendments the First-tier Tribunal (IAC) Rules – NABA implementation

### 1.— Citation, commencement, application and interpretation

(1) These Rules may be cited as the Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014 and come into force on 20th October 2014.

(2) They apply to proceedings before the Immigration and Asylum Chamber of the First-tier Tribunal.

***(2A) The Schedule makes provision for the Accelerated Detained Appeals Rules and has effect in the circumstances and the manner specified in that Schedule.***

(3) [...]

(4) In these Rules—

“the 1999 Act” means the Immigration and Asylum Act 1999;

“the 2002 Act” means the Nationality, Immigration and Asylum Act 2002;

“the 2004 Act” means the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004;

“the 2006 Regulations” means the Immigration (European Economic Area) Regulations 2006;

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

"the 2020 Regulations" means the Immigration (Citizens' Rights Appeals) (EU Exit) Regulations 2020;

***“the 2022 Act” means the Nationality and Borders Act 2022;***

***“Accelerated Detained Appeals Rules” means the rules contained in the Schedule to this these Rules.***

***“age assessment appeal” means an appeal under section 54(2) of the 2022 Act;***

“appealable decision” means a decision from which there is a right of appeal to the Immigration and Asylum Chamber of the First-tier Tribunal;

“appellant” means a person who has provided a notice of appeal to the Tribunal against an appealable decision in accordance with these Rules;

"appointment" means (except in rule 10(5)), a case management meeting conducted by a member of the Tribunal's staff authorised to carry out functions of a judicial nature pursuant to rule 3(2), held for the purpose of carrying out any of those functions;

“asylum claim” has the meaning given in section 113(1) of the 2002 Act;

“certificate of fee satisfaction” means a certificate of fee satisfaction issued by the Lord Chancellor under article 8 of the Fees Order;

“decision maker” means the maker of a decision against which an appeal is brought;

“dispose of proceedings” includes, unless indicated otherwise, disposing of a part of the proceedings;

“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;

*“expedited appeal” means an appeal to the Upper Tribunal under section 82A(3) of the 2002 Act;*

*“expedited related appeal” has the meaning provided by section 24(5) of the 2022 Act;*

“the Fees Order” means the First-tier Tribunal (Immigration and Asylum Chamber) Fees Order 2011;

“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;

“the Immigration Acts” means the Acts referred to in section 61 of the UK Borders Act 2007;

*“interested party” means a person who has been added as an interested party under rule 8 (substitution and addition of parties);*

“party” means—

(a) an appellant or respondent to proceedings;

(b) a party to a bail application as provided for in rule 37(3) and 37(4); *and*

(c) the UNHCR where notice has been given to the Tribunal in accordance with rule 8(3); *and*

*(d) an interested party.*

“practice direction” means a direction given under section 23 of the 2007 Act;

“qualified representative” means a person who is a qualified person in accordance with section 84(2) of the 1999 Act;

*“related appeal” has the meaning provided by section 24(2) of the 2022 Act;*

“respondent” means—

(a) the decision maker specified in the notice of decision against which a notice of appeal has been provided; and

(b) a person substituted or added as a respondent in accordance with rule 8.

“Tribunal” means the First-tier Tribunal;

“the UNHCR” means the United Kingdom Representative of the United Nations High Commissioner for Refugees; and

“working day” means any day except—

(a) a Saturday or Sunday, Christmas Day, Good Friday or a bank holiday under section 1 of the Banking and Financial Dealings Act 1971; and

(b) 27th to 31st December inclusive.

(5) A rule or Part referred to by number alone, means a rule in, or Part of, these Rules.

#### **4.— Case management powers**

(1) Subject to the provisions of the 2007 Act and any other enactment, the Tribunal may regulate its own procedure.

(2) The Tribunal may give a direction in relation to the conduct or disposal of proceedings at any time, including a direction amending, suspending or setting aside an earlier direction.

(3) In particular, and without restricting the general powers in paragraphs (1) and (2), the Tribunal may—

- (a) extend or shorten the time for complying with any rule, practice direction or direction;
- (b) consolidate or hear together two or more sets of proceedings or parts of proceedings raising common issues;
- (c) permit or require a party to amend a document;
- (d) permit or require a party or another person to provide documents, information, evidence or submissions to the Tribunal or a party;
- (e) provide for a particular matter to be dealt with as a preliminary issue;
- (f) hold a hearing or appointment to consider any matter, including a case management issue;
- (g) decide the form of any hearing or appointment;
- (h) **subject to rule 13 of the Accelerated Detained Appeals Rules**, adjourn or postpone a hearing or appointment;
- (i) require a party to produce a bundle for a hearing or appointment;
- (j) stay (or, in Scotland, sist) proceedings;
- (k) transfer proceedings to another court or tribunal if that other court or tribunal has jurisdiction in relation to the proceedings and—
  - (i) because of a change of circumstances since the proceedings were started, the Tribunal no longer has jurisdiction in relation to the proceedings; or
  - (ii) the Tribunal considers that the other court or tribunal is a more appropriate forum for the determination of the case; or
- (l) suspend the effect of its own decision pending the determination by the Tribunal or the Upper Tribunal of an application for permission to appeal against, and any appeal or review of, that decision.

## **8. Substitution and addition of parties**

- (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 a respondent **or, in an age assessment appeal, an interested party**.
- (3) The UNHCR may give notice to the Tribunal that they wish to participate in any proceedings where the appellant has made an asylum claim and on giving such notice becomes a party to the proceedings.

(4) If—

- (a) the Tribunal gives a direction under paragraph (1) or (2); or
  - (b) the UNHCR gives notice to the Tribunal under paragraph (3),
- the Tribunal may give such consequential directions as it considers appropriate.

#### **14.— Evidence and submissions**

(1) Without restriction on the general powers in rule 4 (case management powers), 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 required 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 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 witness statement or written submissions; and
- (f) the time at which any evidence or submissions are to be provided.

(2) The Tribunal may admit evidence whether or not—

- (a) the evidence would be admissible in a civil trial in the United Kingdom; or
- (b) subject to section 85A(4) of the 2002 Act, the evidence was available to the decision maker.

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

#### **16.— Appeal treated as abandoned**

(1) A party must notify the Tribunal if they are aware that—

- (a) the appellant has left the United Kingdom;
- (b) the appellant has been granted leave to enter or remain in the United Kingdom;
- (c) a deportation order has been made against the appellant; or
- (d) a document listed in paragraph 4(2) of Schedule 2 to the 2006 Regulations has been issued to the appellant.

(1A) A party to an appeal under the 2020 Regulations must also notify the Tribunal if they are aware that the appeal is to be treated as abandoned under regulation 13 of those Regulations.

**(2) Where an appeal is treated as abandoned pursuant to—**

**(a) section 92(8) or 104(4A) of the 2002 Act;**

**(b) section 55(3) of the 2022 Act; or**

**(c) regulation 13(3) of the 2020 Regulations;**

***the Tribunal must send the parties a notice informing them that the appeal is being treated as abandoned.***

(3) Where an appeal would otherwise fall to be treated as abandoned pursuant to section 104(4A) of the 2002 Act or regulation 13(3) of the 2020 Regulations, but the appellant wishes to pursue their appeal, the appellant must provide a notice, which must comply with any relevant practice direction, to the Tribunal and each other party so that it is received within 28 days of the date on which the appellant was sent notice of the grant of leave to enter or remain in the United Kingdom or was sent the document listed in paragraph 4(2) of Schedule 2 to the 2006 Regulations, as the case may be.

## **19.— Notice of appeal**

(1) An appellant must start proceedings by providing a notice of appeal to the Tribunal.

(2) If the person is in the United Kingdom, the notice of appeal must be received not later than 14 days after they are sent the notice of the decision against which the appeal is brought.

(3) If the person is outside the United Kingdom, the notice of appeal must be received —

(a) not later than 28 days after their departure from the United Kingdom if the person—

(i) was in the United Kingdom when the decision against which they are appealing was made, and

(ii) may not appeal while they are in the United Kingdom by reason of a provision of the 2002 Act; or

(b) in any other case, not later than 28 days after they receive the notice of the decision.

(3A) But paragraphs (2) and (3) do not apply in relation to the bringing of an appeal against a citizens' rights immigration decision. "*A citizens' rights immigration decision*" is a decision which can be appealed against under the 2020 Regulations.

(3B) The notice of appeal in relation to an appeal against a citizens' rights immigration decision must be received—

(a) if the person is in the United Kingdom, not later than 14 days after the appellant is sent the notice of the decision;

(b) if the person is outside the United Kingdom, not later than 28 days after the appellant receives the notice of the decision.

But this paragraph is subject to paragraph (3D).

(3C) Paragraph (3D) applies where—

(a) a person ("P") applies for an administrative review of a citizens' rights immigration decision ("the original decision") under the relevant rules, and

(b) P had not, before P receives notice of the decision on administrative review, started proceedings in relation to the original decision.

(3D) Where this paragraph applies, the notice of appeal against the original decision must be received—

(a) if P is in the United Kingdom, not later than 14 days after P is sent the notice of the decision on administrative review;

(b) if P is outside the United Kingdom, not later than 28 days after P receives the notice of the decision on administrative review.

(3E) In this rule, "*the relevant rules*" means—

(a) Appendix AR(EU) and Appendix AR (administrative review) to the immigration rules, or

(b) the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020 (see regulations 21 to 23 of those Regulations).

(4) The notice of appeal must—

(a) [identify which of the available statutory grounds of appeal are relied upon]<sup>4</sup> ;

(b) be signed and dated by the appellant or their representative;

(c) if the notice of appeal is signed by the appellant's representative, the representative must certify in the notice of appeal that it has been completed in accordance with the appellant's instructions.

(5) The appellant must provide with the notice of appeal—

(a) the notice of decision against which the appellant is appealing or if it is not practicable to include the notice of decision, the reasons why it is not practicable;

(b) any statement of reasons for that decision;

(c) any documents in support of the appellant's case which have not been supplied to the respondent;

(d) an application for the Lord Chancellor to issue a certificate of fee satisfaction;

(e) any further information or documents required by an applicable practice direction.

(6) The Tribunal must send a copy of the notice of appeal and the accompanying documents or information provided by the appellant to the respondent.

(7) An appellant may, with the permission of the Tribunal, vary the grounds on which they rely in the notice of appeal.

(8) A practice direction may require that, in a specified category of case, the notice of appeal must also set out the grounds of appeal.

**(9) *An age assessment appeal must be brought from within the United Kingdom.***

## **24A.— Further Steps**

(1) If the appellant is represented, upon the respondent complying with rule 23(2) or rule 24(1), as the case may be, the appellant must provide the Tribunal with—

- (a) an appeal skeleton argument which complies with any relevant practice direction; and
  - (b) copies of the evidence relied upon in the appeal skeleton argument, insofar as that evidence is not already contained in the documents provided by the respondent under rule 23(2) or rule 24(1).
- (2) The documents in paragraph (1) are to be provided to the Tribunal within 28 days after the respondent complies with rule 23(2) or rule 24(1), as the case may be, or within 42 days after the notice of appeal is provided to the Tribunal, whichever is later.
- (3) The respondent must no later than 14 days after compliance with paragraph (1) provide to the Tribunal and the appellant a written statement which complies with any relevant practice direction, of whether the respondent opposes all or part of the appellant's case and if so the grounds for such opposition.
- (4) A practice direction may disapply the requirement in paragraph (1) in a specified category of case.

### ***24B.—Expedited appeals and expedited related appeals to and from the Upper Tribunal***

- (1) Where an appeal becomes an expedited related appeal in proceedings before the First-tier Tribunal it must be transferred to the Upper Tribunal.*
- (2) Where the Upper Tribunal makes an order in respect of an expedited appeal or expedited related appeal under paragraph 6(1) of Schedule 5 to the Tribunal Procedure (Upper Tribunal) Rules 2008, such appeals continue as appeals before the Tribunal and are subject to these Rules.*
- (3) Any time limits provided by the Tribunal Procedure (Upper Tribunal) Rules 2008 and any directions made by the Upper Tribunal which apply to the expedited appeal or expedited related appeal prior to being transferred to the Tribunal shall continue to apply as if they had been made by the Tribunal until such time as the parties are notified of any further directions made by the Tribunal.*
- (4) Upon notification from the Upper Tribunal of the order referred to in paragraph (2), the Tribunal shall consider the appeal or appeals, including any directions given by the Upper Tribunal related to that order, and give such additional directions as it considers to be appropriate.*

### ***24C.— Interim relief in age assessment appeals***

*An appellant who wishes to make an application for interim relief under section 55(4) of the 2022 Act must do so in writing and must at the same time send a copy of the application to the respondent and the interested party.*

## **29.— Decisions and notice of decisions**

- (1) The Tribunal may give a decision orally at a hearing.
- (2) Subject to rule 13(2) (withholding information likely to cause serious harm), the Tribunal must provide to each party as soon as reasonably practicable after making a decision (other than a decision under Part 4) which disposes of the proceedings—
- (a) a notice of decision stating the Tribunal's decision; and

(b) notification of any right of appeal against the decision and the time within which, and the manner in which, such right of appeal may be exercised.

(3) Where the decision of the Tribunal relates to—

(a) an asylum claim or a humanitarian protection claim, the Tribunal must provide, with the notice of decision in paragraph (2)(a), written reasons for its decision;

(b) any other matter, the Tribunal may provide written reasons for its decision but, if it does not do so, must notify the parties of the right to apply for a written statement of reasons.

***(3A) Where the decision of the Tribunal disposes of proceedings to which section 8 of the 2004 Act or section 22 of the 2022 Act applies the Tribunal must include in its reasons a statement explaining—***

***(a) whether it considers the appellant has engaged in behaviour to which section 8 of the 2004 Act applies and if so, how it has taken account of the behaviour in making its decision;***

***(b) whether it considers section 22 of the 2022 Act applies and if so, how it has taken account of the provision of late material, in making its decision.***

(4) Unless the Tribunal has already provided a written statement of reasons, a party may make a written application to the Tribunal for such statement following a decision which disposes of the proceedings.

(5) An application under paragraph (4) must be received within 28 days of the date on which the Tribunal sent or otherwise provided to the party a notice of decision relating to the decision which disposes of the proceedings.

(6) If a party makes an application in accordance with paragraphs (4) and (5) the Tribunal must, subject to rule 13(2) (withholding a document or information likely to cause serious harm), send a written statement of reasons to each party as soon as reasonably practicable.

*[Fast Track Rules substituted with the below Schedule]*

## **SCHEDULE**

**Rule 1(2A)**

### ***Accelerated Detained Appeals Rules***

#### ***1.—Interpretation and relationship with the Principal Rules***

***(1) The rules in this Schedule are the Accelerated Detained Appeals Rules.***

***(2) A rule referred to in this Schedule by number alone means a rule in the Accelerated Detained Appeals Rules.***

***(3) In this Schedule—***

***“final hearing” means a hearing at which the Tribunal intends to make a decision which disposes of proceedings;***

***“the Principal Rules” means rules 1 to 46 of the Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014;***

***“working day” means any day except—***

***(a) a Saturday or Sunday, Christmas Day, Good Friday or 26 to 31 December, and***

***(b) any day that is a bank holiday under section 1 of the Banking and Financial Dealings Act 1971 in the part of the United Kingdom where the appellant concerned is detained.***



*(4) The Principal Rules, except for those provisions referred to in paragraph (5) apply for the purposes of and the interpretation of the Accelerated Detained Appeals Rules.*

*(5) The provisions of the Principal Rules mentioned in paragraph (4) are rules 3(4), 4(3)(j), 7, 9(1), 19, 20, 22 (except for the purposes of paragraph (2)(a)), 23, 24, 24A, 25(b) and (c), 29(2) to (6), 33(2), (3), (5) and (6), 34 and 35.*

*(6) Where the Accelerated Detained Appeals Rules cease to apply to an appeal or application because—*

*(a) the condition referred to in rule 2(1)(a) ceases to apply; or*

*(b) the Tribunal makes an order under rule 15,*

*the Principal Rules shall apply to the appeal or application.*

*(7) Where—*

*(a) a period of time for taking a step has started to run under a provision of the Accelerated Detained Appeals Rules; and*

*(b) that provision ceases to apply,*

*if the Principal Rules contain a time limit for taking such step, the time limit in the Principal Rules shall apply, and the relevant period of time shall be treated as running from the date on which the period of time under the Accelerated Detained Appeals Rules started to run.*

## **2.—Scope of the Accelerated Detained Appeals Rules**

*(1) The Accelerated Detained Appeals Rules apply to an appeal to the Tribunal or an application for permission to appeal to the Upper Tribunal where—*

*(a) the appellant was detained under a detention provision set out in section 27(7) of the 2022 Act at the time at which they were given notice of the decision which is the subject of the appeal and remains in detention under any of those detention provisions;*

*(b) the decision against which the appellant is appealing is a decision—*

*(i) falling within the definition in section 27(6) of the 2022 Act;*

*(ii) of a description prescribed by regulations made by the Secretary of State under section 27(1)(b)(i) of that Act; and*

*(iii) which, when made, was certified by the Secretary of State under section 27 of that Act.*

## **3.—Provision of notice of appeal to the Tribunal**

*(1) An appellant must start proceedings by providing a notice of appeal to the Tribunal.*

*(2) The notice of appeal must be received not later than 5 working days after the appellant receives the notice of the decision against which the appeal is brought.*

## **4.—Contents of, and documents to accompany, the notice of appeal**

*(1) The notice of appeal must—*

*(a) identify which of the available statutory grounds of appeal are relied upon, and*

*(b) be signed and dated by the appellant or their representative.*

*(2) If the notice of appeal is signed by the appellant's representative, the representative must certify in the notice of appeal that it has been completed in accordance with the appellant's instructions.*

*(3) The appellant must provide with the notice of appeal—*

*(a) the notice of decision against which the appellant is appealing or if it is not practicable to include the notice of decision, the reasons why it is not practicable;*

- (b) any statement of reasons for that decision;*
- (c) any documents in support of the appellant's case which have not been supplied to the respondent; and*
- (d) any further information or documents required by an applicable practice direction.*

**5.—Steps to be taken by the Tribunal upon receipt of the notice of appeal**

*(1) Not later than the next working day after the date on which the Tribunal receives a notice of appeal, it must—*

- (a) provide to the respondent a copy of the notice of appeal and the accompanying documents or information provided by the appellant;*
- (b) list the appeal for a final hearing on the date 22 working days after the day on which the notice of appeal was received; and*
- (c) provide the parties with directions which set out—*
  - (i) the date of the final hearing;*
  - (ii) the dates on which the actions required by rules 8(2), 9(2) and (3) must be completed; and*
  - (iii) that if at any time either party considers it is not capable of completing the actions required by rules 8(2), 9(2) or (3) within the timescales set out therein, it must make an application to the Tribunal for permission to vary the timescales.*

**6.—Late notice of appeal**

*(1) Where a notice of appeal is provided outside the time limit in rule 3(2), the notice of appeal must include an application for an extension of time and the reasons why the notice of appeal was not provided in time.*

*(2) If, upon receipt of a notice of appeal, the notice appears to the Tribunal to have been provided outside the time limit mentioned in rule 3(2) and no application has been made for an extension of time, the Tribunal must notify the person in writing that it proposes to treat the notice of appeal as being out of time.*

*(3) Where the Tribunal gives notification under paragraph (2), the person may by written notice to the Tribunal contend that—*

- (a) the notice of appeal was given in time, or*
- (b) the time for providing the notice of appeal should be extended,*

*and, if so, that person may provide the Tribunal with written evidence in support of that contention.*

*(4) The Tribunal must decide any issue under this rule as to whether a notice of appeal was given in time, or whether to extend the time for appealing, as soon as reasonably practicable after the day on which the Tribunal receives a notice of appeal, and may do so without a hearing.*

*(5) Where the Tribunal makes a decision under this rule it must provide to the parties written notice of its decision, including its reasons, not later than the next working day after the date on which that decision was made.*

*(6) If the Tribunal decides that a notice of appeal was provided outside the time limit in rule 3(2) and does not extend the time for appealing, it shall take no further action in relation to the appeal after it has given the notice mentioned in paragraph (5).*

**7.—Late notice of appeal – special provision for imminent removal cases**

*(1) This rule applies in any case to which rule 6 applies, where the respondent notifies the Tribunal that directions have been given for the removal of that person from the United Kingdom on a date within 5 days of the date on which the notice of appeal was received.*

*(2) The Tribunal must, if reasonably practicable, make any decision under rule 6 before the date and time proposed for the removal.*

*(3) Rule 6 applies, subject to the modifications that the Tribunal may—*

- (a) give notification under rule 6(2) orally, which may include giving it by telephone;*
- (b) direct a time for providing evidence under rule 6(3);*
- (c) direct that evidence in support of a contention under rule 6(3) is to be given orally, which may include requiring the evidence to be given by telephone, and hold a hearing for the purpose of receiving such evidence.*

**8.—Respondent’s response to the notice of appeal**

*(1) When a respondent is provided with a copy of a notice of appeal, the respondent must provide the Tribunal with—*

- (a) the notice of the decision to which the notice of appeal relates and any other document the respondent provided to the appellant giving reasons for that decision;*
- (b) any statement of evidence or application form completed by the appellant;*
- (c) any record of an interview with the appellant in relation to the decision being appealed;*
- (d) any other unpublished document which is referred to in a document mentioned in subparagraph (a) or relied upon by the respondent;*
- (e) the notice of any other appealable decision made in relation to the appellant; and*
- (f) any documents provided to the respondent in support of the original application.*

*(2) The documents listed in paragraph (1) must be provided not later than 3 working days after the date on which the Tribunal sent to the respondent a copy of the notice of appeal and any accompanying documents or information provided under rule 5(1)(a).*

**9.—Further steps**

*(1) If the appellant is represented, upon the respondent complying with rule 8(1) the appellant must provide the Tribunal with—*

- (a) an appeal skeleton argument which complies with any relevant practice direction; and*
- (b) copies of the evidence relied upon in the appeal skeleton argument or, insofar as that evidence is not already contained in the documents provided by the respondent under rule 8(1).*

*(2) The documents in paragraph (1) must be provided to the Tribunal not later than 9 working days after the date on which the respondent complies with rule 8(1).*

*(3) The respondent must no later than 2 working days after compliance with paragraph (1) provide to the Tribunal and the appellant a written statement which complies with any relevant practice direction, of whether the respondent opposes all or part of the appellant’s case and if so the grounds for such opposition.*

*(4) A practice direction may disapply the requirement in paragraph (1) in a specified category of case.*

**10.—Suitability assessment**

*(1) Subject to paragraph (2), not later than 16 working days after the Tribunal receives a notice of appeal the Tribunal must hold a hearing to decide whether justice can be done in relation to the appeal within the Accelerated Detained Appeals Rules.*

*(2) The Tribunal may make a decision under paragraph (1) without a hearing if—*

- (a) each party has consented in writing to the matter being decided without a hearing; and*
- (b) the Tribunal considers that it is able to decide the matter without a hearing.*

*(3) The Tribunal may, if it is satisfied that it is the only way to secure that justice is done in relation to the appeal within the Accelerated Detained Appeals Rules, make an order under rule 15(1).*

*(4) If the Tribunal makes an order pursuant to paragraph (3), on the next working day it must send a copy of the order, and any reasons for the order, to the parties.*

**11.—Decisions and notice of decisions**

*(1) Where the Tribunal decides an appeal, it must provide to each party—*

- (a) a notice of the decision and the reasons for it; and*
- (b) notification of any right of appeal against the decision and the time within which, and the manner in which, such right of appeal may be exercised.*

*(2) The Tribunal must provide the notice and the notification—*

- (a) where a final hearing was heard orally, not later than 3 working days after the day on which the hearing of the appeal was concluded; or*
- (b) in any other case, not later than 3 working days after the day on which the appeal was decided.*

**12.—Procedure for making an application for permission to appeal**

*(1) An application for permission to appeal to the Upper Tribunal must be provided to the Tribunal so that it is received no later than 7 working days after the date on which the party making the application was provided with notice of the decision under rule 11(2).*

*(2) An application under paragraph (1) must—*

- (a) identify the decision of the tribunal to which it relates;*
- (b) identify the alleged errors of law in the decision; and*
- (c) state the result that the party making the application is seeking.*

*(3) The Tribunal must consider whether to grant permission to appeal in relation to the decision mentioned in sub-paragraph (2)(a), or any part of that decision, and send a written notice to the appellant and the respondent no later than 3 working days after the date on which it received the application mentioned in paragraph (1).*

*(4) The written notice mentioned in paragraph (3) must contain the reasons why permission is or is not granted.*

**13.—Adjournment**

*Unless the Tribunal makes an order under rule 15(1), the Tribunal may not adjourn the final hearing.*

**14.—Provision of material to the Tribunal**

**(1) An appellant may provide a notice of appeal or any other document to the Tribunal either—**

- (a) by providing it to the Tribunal; or**
- (b) by providing it to the person having custody of the appellant.**

**(2) Where a document is provided under paragraph (1)(b), the person having custody of the appellant must—**

- (a) endorse on the notice or document that it is provided to the person having custody of the appellant; and**
- (b) provide it to the Tribunal immediately.**

**15.—Transfer out**

**(1) The Tribunal may, if it is satisfied that it is the only way to secure that justice is done in relation to an appeal within the Accelerated Detained Appeals Rules, order that the Accelerated Detained Appeals Rules cease to apply to the appeal.**

**(2) The Tribunal may make an order under paragraph (1) at any time, on the application of one or more of the parties or on its own initiative.**