

Application for Permission and Notice of Appeal to the Upper Tribunal

Diffuse Mesothelioma Payments Scheme

from a decision of the First-tier Tribunal

Upper Tribunal
(Administrative Appeals Chamber)

Office stamp (date received)

This form is for use by a person who applied to the DMPS, either because they have diffuse mesothelioma or because they are an eligible dependant of a person who has died from that disease. If the applicant to DMPS has died their personal representative may appeal.

You **must** have applied to the First-tier Tribunal for permission to appeal against their decision before you fill in this form.

Use this form *either* (1) **to apply to the Upper Tribunal for permission** if you have been refused permission by the First-tier Tribunal
or (2) **to appeal to the Upper Tribunal** if you have been granted permission.

Please use black ink and complete the form in **CAPITALS** or in typewriting. Use another sheet of paper if there is not enough space for you to say everything. Please put your name at the top of any additional sheets.

A About the decision you are appealing against

This information can be found on the decision notice sent to you by the First-tier Tribunal.

First-tier Tribunal Reference

First-tier Tribunal Decision Date

/

B About you

Please tick the box which describes who you are:

- A person with diffuse mesothelioma
- An eligible dependant
- A personal representative

A personal representative is an executor or the administrator who administers the estate of a person who has died.

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Please enter your details below. There is also space in this part of the form for the name of the person with diffuse mesothelioma or of the eligible relative (if not you) and for your representative (if you have one).

Your details

Title Mr Mrs Miss Ms Other (please specify)

Surname

First name(s)

Address

Postcode

National Insurance number

Date of birth / /

Daytime phone number

Mobile phone number

About the person with diffuse mesothelioma (if not you)

Name

Date of death / /

Your relationship to them

About the eligible dependant (if not you)

Name

Address

Postcode

Organisation (if any)

Daytime phone number

Reference number (if any)

C About your representative

By a representative we mean someone acting on your behalf in a formal capacity. This might be a solicitor, an organisation like the Citizen Advice or Welfare Rights Service or just a friend who will deal with the case for you.

Name of representative

Address

Postcode

Organisation (if any)

Phone number

Reference number
(if any)

D Reasons for any delay

If more than a month has passed since the First-tier Tribunal wrote to you sending you the decision on your application for permission to appeal, you must apply for an extension of time by giving your reasons for the delay below.

E Reasons for Appeal

Please tell us what **error of law** you think the First-tier Tribunal has made.

An explanation and examples of an error of law can be found in the frequently asked questions below.

If you want to say more, please use another sheet of paper

F Request for an oral hearing of Application for Permission to Appeal

If you are refused permission without an oral hearing and the judge has not certified the whole or part of your application as being totally without merit, you will be given the opportunity to make another application for permission with an oral hearing.

Do you want to have an oral hearing of your application for permission to appeal at the Upper Tribunal?

Yes

No

If 'Yes', please say why in the box below:

Please note that the Upper Tribunal judge will not necessarily grant your request for an oral hearing at this stage. Most applications for permission to appeal are decided by the judge considering your application form and the documents which the First-tier Tribunal considered. If you are given permission to appeal by the Upper Tribunal judge, you will be given another chance to ask for an oral hearing of your appeal.

If the judge grants your request for an oral hearing it would usually be held in London, Cardiff, Exeter, Manchester, Leeds, Newcastle, Edinburgh or Belfast.

G Signature

You must sign this form if you wish to appeal to the Upper Tribunal, unless you are represented by a solicitor. If you have a solicitor they can sign the form in the special box below instead of you.

If you have named a representative who is not a solicitor in Section C, by signing this box you are authorising that representative to act on your behalf in all proceedings before the Upper Tribunal. You must make sure they agree to represent you before you sign.

Signed

Applicant (or Personal representative)

Date

/ /

Signed

Solicitor

Date

/ /

You should enclose a copy of the following documents with this form (please tick the appropriate boxes):

- The First-tier Tribunal decision notice
- The First-tier Tribunal written statement of reasons for their decision
- The First-tier Tribunal decision notice on your application for permission to appeal

If you do not have these documents please do not delay sending in our form. You should still send the form in and say below why you do not have the documents.

Where to send your completed form

If you are legally represented or acting on behalf of a government department, agency or public body you must send the form and any supporting documents using the HM Courts & Tribunals E- Filing service.

To register and access the E-Filing Service go to:

<https://efile.cefile-app.com/login>

For guidance, support and information about the E-Filing Service go to:

www.gov.uk/guidance/hmcts-e-filing-service-for-citizens-and-professionals

For those that are not legally represented, the preferred method is the E-filing service.

Alternatively, unrepresented parties may email or send the completed and signed form to the appropriate office shown below.

If your **First-tier Tribunal hearing was in England** you should send the form to:

The Upper Tribunal Office (Administrative Appeals Chamber), 5th Floor Rolls Building, 7 Rolls Buildings, Fetter Lane, London, EC4A 1NL

Email: adminappeals@justice.gov.uk

If your **First-tier Tribunal hearing was in Wales, or your live in Wales**, you can send the form to the London address above or to:

The Administrative Appeals Chamber of the Upper Tribunal (Wales), Civil Justice Centre, 2 Park Street, Cardiff, CF10 1ET

Email: adminappeals@justice.gov.uk

If your **First-tier Tribunal hearing was in Scotland**, you should send the form to:

The Upper Tribunal (Administrative Appeals Chamber), George House, 126 George Street, Edinburgh, EH2 4HH

Email: UTAACMailbox@justice.gov.uk

If your **First-tier Tribunal hearing was in Northern Ireland** you should send the form to

The Upper Tribunal, Tribunal Hearing Centre, 2nd Floor, Royal Courts of Justice, Chichester Street, Belfast, BT1 3JF

Email: tribunalsunit@courtsni.gov.uk

What happens next

If you do not receive an acknowledgement letter within 14 days of sending in the form please contact the office to query.

Frequently Asked Questions

What do I need to do before completing this form?

Before you complete this form:

- You should ask the First-tier Tribunal for a **written statement of the reasons** for its decision, **and**
- You **must** apply to the First-tier Tribunal for **permission to appeal** to the Upper Tribunal.

The First-tier Tribunal will have told you how and when you need to do this.

Is there a deadline for sending in this form?

Yes, you must send this form to the Upper Tribunal office so that it is received at the office within **one month** of the date of the letter which came with the decision of the First-tier Tribunal on your application for permission to appeal.

What if I think I am going to miss the deadline?

You should always try to send your properly completed form in so that it is received within the **one month** time limit. If you are unable to complete it fully or to send all the necessary documents within the one month time limit, send what you can and explain why you cannot provide the rest of the information or documents.

What if I have missed the deadline?

You should send in your form as soon as you can and must say why you have missed the deadline in **Section D** of the form. The judge will decide whether to accept your late appeal.

What is an error of law?

Here are some examples of ways in which a First-tier Tribunal may be wrong in law :

- the First-tier Tribunal did not apply the correct law or wrongly interpreted the law, or
- it made a procedural error, or it had no evidence, or not enough evidence, to support its decision, or
- it did not give adequate reasons (in the written statement of its reasons).

However, these are only examples and the First-tier Tribunal decision may be wrong in law for some other reason. You should explain in as much detail as possible why the decision **in your particular case** is wrong in law. If you are unsure whether the tribunal was wrong in law you may wish to consult a Citizens Advice Bureau or other Welfare Rights Service (see Section C above) but you should not miss the **one-month** time limit for sending in your form.

What you have said on this form will be treated as your main submission on the appeal (even if you are now only applying for permission to appeal). You should therefore make sure that you say everything you wish to at this stage.

Can I get legal aid?

In **England and Wales**, you may be able to get free legal help with your appeal to the Upper Tribunal (Administrative Appeals Chamber). You will need to meet the necessary financial conditions. To check if you are eligible for legal aid either use the legal aid checker at www.gov.uk/check-legal-aid or telephone 0345 345 4 345.

In **Scotland**, you may be able to get legal aid or legal advice and assistance with your appeal to the Upper Tribunal. You can find information on whether you are eligible from the Scottish Legal Aid Board (SLAB) at <http://www.slab.org.uk/public/civil/> or by telephone on 0845 122 8686 or by email at general@slab.org.uk

In **Northern Ireland** you may be able to get legal aid or legal advice and assistance with your appeal to the Upper Tribunal. You may find information on whether you are eligible from the Northern Ireland Legal Services Commission www.dojni.gov.uk/legalservices or by telephone (0)28 9040 8888.