



UT3

Application for permission to appeal and notice of appeal from the First-tier Tribunal – Mental Health

Apply to the Upper Tribunal Administrative Appeals Chamber for permission and to appeal against a decision where you think there has been an error of law by the First-tier Tribunal.

For decisions made by the Mental Health Review Tribunal for Wales use form **UT8**.

Before you apply

You must apply to the First-tier Tribunal for permission to appeal before you fill in this form. Use this form either to:

- apply to the Upper Tribunal for permission to appeal if the First-tier Tribunal refused you permission to appeal or your application was not admitted because you were late
or
- appeal to the Upper Tribunal if the First-tier Tribunal has granted you permission to appeal

How to apply

Send this application to the Upper Tribunal so that it is received by the Upper Tribunal office **no later than one calendar month** after the First-tier Tribunal sent you the decision on the application for permission to appeal. You can ask for more time in **Section 9** of this form.

If you need help

Contact the Upper Tribunal (Administrative Appeals Chamber) if you need help with this application or have questions about the appeal process. The office cannot give you legal advice.

Phone
020 7071 5662

For additional guidance

You may want to contact Citizens Advice
www.citizensadvice.org.uk

You may be able to get **free legal help with your appeal**. You will need to meet the necessary financial conditions. Check if you are eligible:

www.gov.uk/check-legal-aid
or phone 0345 345 4 345

Section 1 – Appellant’s information

1.1 Details of appeal

First-tier Tribunal reference number

1.2 Date of the appeal decision

Day	Month	Year

1.3 Where was the tribunal hearing?

1.4 Details of appellant

Are you applying as:

Patient

Patient’s nearest relative

Responsible authority

Secretary of State

Note

If you are completing this form by hand use CAPITAL LETTERS.

Use another sheet of paper if there is not enough space for you to say everything.

Add your name and appeal reference number at the top of any additional sheets.

Note 1.1: You can find the First-tier Tribunal reference number on the decision letter.

Section 2 – Patient’s information

2.1 Details of patient

Title

First name(s)

Last name

2.2 Date of birth

Day	Month	Year

2.3 Address or hospital where detained

First line of address

Second line of address

Town or city

County (optional)

Postcode

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2.4 Contact details

Phone number

Mobile number (optional)

Email address

Note 2.4: If you do not want the Upper Tribunal to contact you by email, leave the space blank. You can still ask us to send you a paper copy of any documents that we have emailed you.

2.5 Details of non-restricted patients

Is the patient:

Detained but not restricted

On a community treatment order

On a guardianship order

Detained under Section 2

2.6 Details of restricted patients

Is the patient:

Detained and restricted

On a conditional discharge order

Section 3 – Patient’s nearest relative’s information

3.1 Details of patient’s nearest relative

Title

First name(s)

Last name

Note 3.1: Complete this section, if the application or appeal is being made by the patient's nearest relative.

3.2 Address

First line of address

Second line of address

Town or city

County (optional)

Postcode

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3.3 Contact details

Phone number

Mobile number (optional)

Email address

Note 3.3: If you do not want the Upper Tribunal to contact you by email, leave the space blank. You can still ask us to send you a paper copy of any documents that we have emailed you.

Section 4 – Patient or nearest relative’s representative information

4.1 Details of the patient or nearest relative’s representative

Title

First name(s)

Last name

Name of company or organisation

4.2 Address

First line of address

Second line of address

Town or city

County (optional)

Postcode

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4.3 Reference number for correspondence (optional)

4.4 Contact details

Phone number

Mobile number (optional)

Email address

Note for Section 4

A representative is someone who acts on your behalf in a formal capacity.

This might be a solicitor, an organisation like Citizens Advice, a welfare rights organisation or just a friend who will deal with the case for you.

The Upper Tribunal will correspond only with your representative.

Section 5 – Details of the responsible authority

5.1 Is the patient:

Detained

A community patient

5.2 Details of hospital

Name of hospital

Address

First line of address

Second line of address

Town or city

County (optional)

Postcode

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5.3 Details of hospital official

First name(s)

Last name

Role

5.4 Contact details

Phone number

Mobile number (optional)

Email address

Section 6 – Responsible authority’s representative’s information

6.1 Details of responsible authority’s representative

Title

First name(s)

Last name

Name of company or organisation

6.2 Address

First line of address

Second line of address

Town or city

County (optional)

Postcode

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6.3 Reference number for correspondence (optional)

6.4 Contact details

Phone number

Mobile number (optional)

Email address

Section 7 – Patient guardianship’s information

Note for section 7

If the patient is under guardianship, add the details in this section.

7.1 Is the patient subject to guardianship?

No

Yes

7.2 Details of guardian or official

Title

First name(s)

Last name

Name of Social services authority

Role

7.3 Address

First line of address

Second line of address

Town or city

County (optional)

Postcode

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7.4 Reference number for correspondence (optional)

7.5 Contact details

Phone number

Mobile number (optional)

Email address

Section 8 – Secretary of State’s representative’s information

8.1 Details of Secretary of State’s representative

Title

First name(s)

Last name

8.2 Address

First line of address

Second line of address

Town or city

County (optional)

Postcode

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8.3 Email address

Section 9 – Reasons for delay

9.1 Did the First-tier Tribunal refuse to admit your application because you were late?

Yes

No

9.2 Has more than one month passed since the First-tier Tribunal sent you notice of the grant or refusal of permission to appeal or notice that your application has not been admitted?

Yes

No

If you have answered 'Yes' to either 9.1 or 9.2, (or both); explain the delay and apply to extend the time limit in 9.3 below.

9.3 I request that the time limit for making the application be extended because:

Note for Section 9

You must send this form to the Upper Tribunal office so that it is received at the office within one calendar month of the First-tier Tribunal sending you the decision notice on your application for permission to appeal.

If it is likely to reach the tribunal after this time, you must ask the tribunal to extend the time limit for making the application giving full reasons why it is late.

A judge will consider your reasons to decide whether to extend time or not.

It is important to explain the reasons in detail.

If needed, continue on another sheet of paper, adding your name and the appeal reference number at the top.

Section 10 – Reasons for your appeal

You can only appeal if you think that the First-tier Tribunal was wrong on one or more points of law.

10.1 Tell us what error of law you think the First-tier Tribunal has made

If the First-tier Tribunal granted you permission to appeal on limited grounds and you are now appealing, please state whether you also wish to apply for permission on additional grounds and tick both boxes in Section 12.

Note for Section 10

You must explain why you think the First-tier Tribunal decision is wrong in law. Examples of mistakes that may mean the decision is wrong in law include the tribunal:

- did not apply the correct law or wrongly interpreted the law.
- had no evidence, or not enough evidence, to support its decision.
- did not give adequate reasons for the decision.

This list is not exhaustive, and the tribunal's decision may be wrong in law for some other reason. You should explain why the decision in your case is wrong in law in as much detail as possible.

If needed, continue on another sheet of paper, adding your name and the appeal reference number at the top.

Section 11 – Request for an oral hearing of an application for permission to appeal

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

No

Yes, explain reasons

Note for Section 11

If you were refused permission to appeal by the First-tier Tribunal, you can request an oral hearing.

An oral hearing could be face-to-face or by video or phone.

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 on the documents which the First-tier Tribunal considered.

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.

If your application for permission to appeal is successful and the Upper Tribunal Judge gives you permission to appeal, your case becomes an appeal and you will be given another opportunity 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 Belfast, Birmingham, Cardiff, Edinburgh, Exeter, Leeds, London, Manchester or Newcastle.

11.2 Would you like the hearing to be in private?

No

Yes, explain reasons

Section 12 – How do you want to receive the tribunal decision

12.1 I want to receive the tribunal decision by:

Email

Post

Section 13 – Signature

You must sign this form if you wish to appeal to the Upper Tribunal, unless you are represented by a legal representative. A legal representative is a solicitor, barrister or chartered legal executive.

I apply for permission to appeal against the decision of the First-tier Tribunal

I appeal against the decision of the First-tier Tribunal

Authorisation

I authorise my representative named in Section 4 to act on my behalf in all proceedings before the Upper Tribunal.

Appellant's signature

Legal representative's signature

Solicitor, barrister or chartered legal executive signature

Date

Day

Month

Year

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First name(s)

Last name

Name of appellant's legal representative's firm or company

If signing on behalf of firm or company give position or office held

Note for Section 13

Only a legal representative can appeal to the Upper Tribunal as the appellant's representative without authorisation.

If the representative is not a solicitor, barrister or chartered legal executive, the appellant must sign the form.

Note for authorisation

Leave blank if you have no representative or you are a legal representative filling in this form on behalf of a client.

Note for signature

Please sign or type your name in the signature box.

You must enclose the following documents with this form

a copy of the written decision issued by the First-tier Tribunal

a copy of the First-tier Tribunal decision notice on your application
for permission to appeal

a copy of the funding notice or legal aid certificate

If you do not have all these documents you can still apply using this form.

Have you included all required documents from the above list?

Yes

No, reasons why documents are not included

Contact the Upper Tribunal Office (Administrative Appeals Chamber)

HM Courts and Tribunals E-Filing Service

If you are legally represented; or applying/appealing on behalf of the responsible authority; or applying/appealing on behalf of the Secretary of State you must send the form and any supporting documents using the HM Courts and 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 Upper Tribunal (Administrative Appeals Chamber)

5th Floor Rolls Building

7 Rolls Buildings

Fetter Lane

London

EC4A 1NL

Email: adminappeals@justice.gov.uk

Next steps

We will write to you to confirm your case is registered.

If you have not received confirmation within 14 days, contact the relevant office.

For information on how HM Courts and Tribunals Service process and store your data visit: <https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/personalinformation-charter>