

**2012 No. 2890 (L. 11)**

**TRIBUNALS AND INQUIRIES**

**The Tribunal Procedure (Upper Tribunal) (Amendment) Rules  
2012**

<i>Made</i>	- - - -	<i>13th November 2012</i>
<i>Laid before Parliament</i>		<i>19th November 2012</i>
<i>Coming into force</i>	- -	<i>11th December 2012</i>

The Tribunal Procedure Committee has made the following Rules in exercise of the powers conferred on it by section 22 of, and Schedule 5 to, the Tribunals, Courts and Enforcement Act 2007(a), having consulted in accordance with paragraph 28(1) of that Schedule.

The Lord Chancellor has allowed the Rules in accordance with paragraph 28(3) of that Schedule.

**Citation and commencement**

1. These Rules may be cited as the Tribunal Procedure (Upper Tribunal) (Amendment) Rules 2012 and come into force on 11th December 2012.

**Amendments to the Tribunal Procedure (Upper Tribunal) Procedure Rules 2008**

2. The Tribunal Procedure (Upper Tribunal) Rules 2008(b) are amended as follows.

3. In rule 44 (application for permission to appeal)—

(a) at the beginning of paragraph (1) insert “Subject to paragraph (4A).”;

(b) after paragraph (4) insert—

“(4A) Where, in judicial review proceedings in the Immigration and Asylum Chamber of the Upper Tribunal, a decision is given orally at a hearing, a person may apply to the Tribunal for permission to appeal—

(a) orally at that hearing; or

(b) in writing, before the commencement or the expiry of the relevant period determined by reference to paragraph (4).”;

(c) in paragraph (7) after “paragraph (1)” insert “or (4A)(a)”.

We make these Rules

*Brian F J Langstaff*

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(a) 2007 c.15

(b) S.I. 2008/2698. Amendments to rule 44 have been made by S.I. 2009/274, S.I. 2010/44, S.I. 2010/747 and S.I. 2011/651.

*Philip Brook Smith QC  
Simon Cox  
Simon Ennals  
Mark Rowland  
Douglas J May QC  
MJ Reed*

I allow these Rules,  
Signed by the authority of the Lord Chancellor

13th November 2012

*Helen Grant*  
Parliamentary Under Secretary of State  
Ministry of Justice

### **EXPLANATORY NOTE**

*(This note is not part of the Rules)*

These Rules amend the Tribunal Procedure (Upper Tribunal) Rules 2008 (S.I.2008/2698).

Rule 3 applies to appeals against decisions in judicial review proceedings in the Immigration and Asylum Chamber of the Upper Tribunal. Where a decision of the Upper Tribunal in such proceedings is given orally at a hearing, rule 3 allows a person seeking permission from that Tribunal to appeal to the Court of Appeal, to make that application orally at that hearing or in writing.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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