



## UPPER TRIBUNAL ADMINISTRATIVE APPEALS CHAMBER

### Notes for Appellants Form UT1 (Social Entitlement)

The Administrative Appeals Chamber is part of the Upper Tribunal and decides appeals from decisions of the First-tier Tribunal in social security, tax credit, child trust funds, child support maintenance, housing benefit and council tax benefit cases. The Upper Tribunal consists of specialist judges appointed by the Queen. Some are also judges in the Courts, including the High Court.

**Form UT1** is to be used for applying to the Upper Tribunal for permission to appeal, against a decision of a First-tier Tribunal. It should also be used for appealing to the Upper Tribunal if the First-tier Tribunal has already given you permission to appeal.

**Form UT1** should be sent to the Upper Tribunal office so that it is received no later than **one month** after the date the First-tier Tribunal sent you notice of the refusal or grant of permission to appeal or the refusal to admit your application. If you are late, you must explain why in **Part D** of the form.

**Income Support Cases** If you are seeking permission to appeal to the Upper Tribunal because the First-tier Tribunal (Social Security and Child Support) has decided you are capable of work, and therefore your income support will stop, you must tell the office dealing with your income support payments.

In these notes, a “**penalty case**” means a tax credit or child trust fund case in which a penalty has been imposed for, e.g., fraudulently or negligently making an incorrect statement or failing to comply with a requirement to provide information.

### Before you use Form UT1

- You should ask for a written statement of the First-tier Tribunal’s reasons for its decision.
- You must apply to the First-tier Tribunal for permission to appeal.

You should have received information from the First-tier Tribunal (SSCS) about how and when to apply for a statement of reasons and about how and when to apply to that tribunal for permission to appeal.

## Part A – About the Appellant

We use the word **appellant** to describe a person who has been given permission to appeal by the First-tier Tribunal and is now making an appeal to the Upper Tribunal. We also use it to describe a person who is asking the Upper Tribunal for permission to appeal. **Form UT1** is to be used by both. It does not matter which you are.

Note that an **appellant** may be a child or someone else who is unable to act for themselves (e.g. because of mental incapacity). Please put that person's name in **Part A** and the name of his or her appointee in **Part B**.

If the application for permission to appeal or the appeal is being brought on behalf of someone who has died, please put that person's name as the **Appellant** and write "(deceased)" after their surname. If the application or appeal is about your claim for widow's pension please enter your own name as **Appellant** and not that of the deceased person.

## Part B – About any Appointee and/ or Representative

An "**Appointee**" is a person who has been appointed to act on behalf of

- a child
- someone else who is unable to act for themselves (e.g. because of mental incapacity)
- someone who has died.

If the application or appeal is being made for a claimant who has an appointee, please put the name of the claimant as the Appellant in **Part A**, even if they have died. Give the Appointee's details separately in the boxes provided in **Part B**.

If the Appellant is mentally incapable of managing their own affairs and a deputy has been appointed by the Court of Protection, or, in Scotland, the estate of the Applicant or Appellant is being administered by a judicial factor or guardian, please put the receiver, judicial factor or guardian down as the Appointee.

Please enclose with the **Form UT1** a copy of the form of Appointment to Act (or a copy of a document proving the appointment of a receiver, judicial factor or guardian).

An "**Appointee**" is different from a "**Representative**" who is someone helping the Appellant, dealing with the correspondence and representing them at any hearing. Indeed, an Appointee can have a Representative. If you have a Representative, you should give their details in the boxes provided in **Part B**. The Upper Tribunal Office will then correspond only with your representative.

## Part C – About the First-Tier Tribunal which decided your case

The place of the First-tier Tribunal (SSCS) hearing, the date of the decision and the number of your case should all be on both the decision notice and the written statement of reasons.

If you do not have a statement of the tribunal's reasons, you must explain why. It may be possible for you to appeal without having a statement of reasons but often it is impossible to show that the tribunal was wrong in law if there is no statement of the tribunal's reasons.

## Part D – Reasons for any delay

You should have applied to the First-tier Tribunal (SSCS) for permission to appeal **within one month** of being sent a written statement of the tribunal's reasons for its decision.

**Your application for permission or your appeal on Form UT1** should be sent or delivered by hand to the Upper Tribunal office so that **it is received no later than one month** after the date the First-tier Tribunal sent you notice of the refusal or grant of permission to appeal or the refusal to admit your application.

**If you are late**, you must ask for an extension of time and explain the delay in **Part D** of the form. You must show a good reason for the Upper Tribunal to accept your application or appeal. If the First-tier Tribunal did not admit your application for permission to appeal because it was late or because you did not have a written statement of reasons, it will only be admitted if the Upper Tribunal considers that it is in the interests of justice to do so. In any event you must explain the delay. The Upper Tribunal may take into account the length of the delay, and other matters such as the amount of money at stake, the potential importance of the case, etc., so you can also mention these as reasons. Use the box provided on the form or a separate sheet of paper if necessary. If you use a separate piece of paper, make sure it has your name on it.

## Part E – Reasons for Appealing

You must explain why you think the First-tier Tribunal (SSCS) decision is **wrong in law** (except in a “**penalty case**” when you are not limited to points of law).

Examples of mistakes of law are:

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

These are only examples and the First-tier Tribunal (SSCS) 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 benefits adviser but you should not miss the **one-month** time limit for sending in your **Form UT1**.

What you have said on **Form UT1** 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. On the other hand, remember that short clear submissions may be more effective than long repetitive ones. You may use a separate piece of paper if you wish, but make sure it has your full name on it and is sent with the form.

## **Part F – Request for an oral hearing of an Application**

If you are applying to the Upper Tribunal for permission to appeal and you or your representative wish to appear before an Upper Tribunal judge at **an oral hearing of your application for permission to appeal**, fill in the relevant boxes in **Part F**.

The Upper Tribunal judge will not necessarily grant your request for an oral hearing. If there is no oral hearing, the judge will use the documents to decide whether to give you permission to appeal. Hearings are held in London, Edinburgh, Cardiff, Doncaster, Manchester/Bury and, occasionally, elsewhere. Hearings may also take place by video link from a number of places. You will be sent further information if the Upper Tribunal judge allows your request for an oral hearing.

Do not fill in the boxes about an oral hearing if the First-tier Tribunal has given you permission to appeal. In that case, or if you are given permission to appeal by the Upper Tribunal, you will be given an opportunity of asking for **an oral hearing of your appeal** at a later stage.

## **Part G – Application for permission to Appeal or Appeal to the Upper Tribunal**

Even if you have a representative, **the Appellant or Appointee must sign the form personally in Part G**. Your signature will be taken as authority for the representative named in **Part B** to act for you. The only exception to this rule is where the representative is a solicitor. A solicitor is presumed to be acting on instructions and may sign the form on behalf of the Appellant or Appointee.

## **Sending Form UT1 to an Office of the Upper Tribunal**

Keep these notes in a safe place so that you have a record of the address of the relevant Upper Tribunal Office.

Send **Form UT1**, with copies of the documents we ask for at the end of the form, to the appropriate Upper Tribunal Office within the **month** allowed (see the notes to **Part D** above). Please tick the boxes on the form to show that you have enclosed the

various documents, but if you do not have any of them do not delay. Just explain what you do not have and why.

**If you are late**, you may still send in your form but you must explain the delay in **Part D** of the form.

**If the First-tier Tribunal hearing was in England**, send the form to –

The Upper Tribunal (Administrative Appeals Chamber), 5 <sup>th</sup> Floor Rolls Building, 7 Rolls Buildings, Fetter Lane, London EC4A 1NL	Telephone:	020 7071 5662
	Fax:	020 7071 5663
	Type Talk:	18001 020 7071 5662
	DX 0012 London/Chancery Lane	

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

The Administrative Appeals Chamber of the Upper Tribunal (Wales) Civil Justice Centre, 2 Park Street, Cardiff, CF10 1ET	Telephone:	02920 662257
	Fax:	02920 376461

**If the First-tier Tribunal hearing was in Scotland**, send the form to –

The Office of the Administrative Appeal Chamber of the Upper Tribunal in Scotland George House, 126 George Street, Edinburgh EH2 4HH	Telephone:	0131 271 4310
	Fax:	0131 271 4398

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**You should enclose the documents listed at the end of the form.** Otherwise, your application or appeal may be delayed or may not be admitted.

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*Please contact the office you sent the form to if you have not been told within a week that the form has been received.*