

Guidance notes on completing the First-tier Tribunal (Charity) application for permission to appeal to the Upper Tribunal

These notes should be read whilst completing the First-tier application form for permission to appeal to the Upper Tribunal against a decision where you think there has been an error in law.

This form should be sent to the tribunal office that dealt with your case so that it is received no later than **28 days** after the date the tribunal sent you one of the following:-

- Full written statement of reasons
- Notification that the statement of reasons has been amended or corrected following a review
- Notification that an application for the decision to be set aside has been unsuccessful.

You must have a copy of the full written reasons for the decision before you can make your application. If you do not have one you must request one from the office where your appeal was dealt with.

You must apply to the First-tier Tribunal for permission to appeal before you can make an application or appeal to the Upper Tribunal.

You must apply to the to the First-tier Tribunal for permission to appeal within **28 days** of the full written reasons for the decision or corrected/amended decision or notification of an unsuccessful application to set aside being sent by the Tribunal.

If an application is made outside the time-limit you must ask for an extension of time explaining the reason for the delay. You must show good reasons why the application is late and the Tribunal will decide whether or not to extend the time and allow your application to proceed.

Certain decisions are excluded from the right to appeal under the TCE Act.

Section A – Appellants details

We use the word **Appellant** to describe the person who is making the application for permission to appeal. Please complete this section with your contact details. Please ensure you provide the reference number of the First-tier appeal. This will be found on the correspondence you have received from the First-tier Tribunal.

A **Representative** is someone who is helping the applicant, dealing with the correspondence and representing them at any hearing. If you have a Representative, you should give their details in the boxes provided in this section, including their status (e.g. solicitor, accountant, consultant, etc). The First-tier Tribunal office will then correspond only with your representative. Legal aid for

representation is not available for first-instance appeals to the Charity Tribunal but may be available in the Upper Tribunal.

Section B – About the decision of the First-tier Tribunal (Charity)

Please tick the document which gives the decision against which you would like to appeal:

- Full written statement of reasons
- Notification that the statement of reasons has been amended or corrected following a review
- Notification that an application for the decision to be set aside has been unsuccessful

Section C – Time limit for Applying for permission to appeal to the Upper Tribunal

Your completed application for permission to appeal should reach the Tribunal Service within 28 days of the First-tier Tribunal (Charity) sending you notice of the decision you wish to appeal against. If it is likely to reach us after this time you must ask the Tribunal to extend the time limit for making the application giving full reasons why it is late.

Section D – Reasons for applying and outcome requested.

Please provide information on whether or not this application relates to the original decision, a decision that has been corrected or amended following a review or following an unsuccessful application to set aside a decision.

You must explain why you think the First-tier Tribunal decision is **wrong in law** and state the outcome you are seeking.

Examples of mistakes that may mean the decision is wrong in law are:-

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

This list is not exhaustive and the First-tier Tribunal's 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 an adviser but you should not miss the **28 day** time limit for sending in your application form.

Section E – Application for Permission to Appeal to the Upper Tribunal

Please sign and date as applicable.

Sending the application form to the First-tier Tribunal

Please post, email or fax this completed form, together with a copy of the final decision to which this application relates and any other supporting documents, to:–

Charity Tribunal
Arnhem House Support Centre
PO Box 9300
Leicester LE1 6ZX

Email: CharityTribunal@tribunals.gsi.gov.uk

At the same time you ***must*** copy this form and any supporting documents to the Charity Commission at

Final & Decision and Tribunal Team
Charity Commission Direct
PO Box 1227
Liverpool, L69 3UG

Email: CharityTribunalTeam@CharityCommission.gsi.gov.uk

We can help if you need information in a different format (e.g. Braille, large print). We can also provide this form in Welsh if required. If you need any of these services please contact the Charity Tribunal.

This form can also be downloaded from our website: www.charity.tribunals.gov.uk