



Upper Tribunal

The Upper Tribunal hears appeals on a point of law from the First-tier Tribunal. A person who wishes to appeal to the Upper Tribunal must apply for permission:

- To begin with, the application for permission must be made to the First-tier Tribunal that dealt with the original appeal
- If the First-tier Tribunal refuses permission, the person may then make a further application directly to the Upper Tribunal

A “point of law” means the appellant believes the First-tier Tribunal went wrong in law. That obviously includes interpreting the legislation incorrectly, but it also includes procedural errors such as failing to take relevant evidence into account, failing to adjourn when someone has a good excuse for missing an oral hearing and failing to provide proper reasons for its decision.

Like the First-tier Tribunal, the Upper Tribunal is divided into different chambers, each specialising in particular subjects. Benefit appeals are heard by the Administrative Appeals Chamber.

The Upper Tribunal is regarded as having equivalent status to the High Court in the judicial hierarchy. This means its decisions create precedent that will be followed by public bodies making first instance decisions and by the First-tier Tribunal. One important difference between the Upper Tribunal and the High Court is that there is no fee to appeal to the Upper Tribunal against a benefit decision and the appellant can be represented by anyone - they do not have to instruct a barrister.