



## UPPER TRIBUNAL (ADMINISTRATIVE APPEALS CHAMBER)

### GUIDANCE FOR LITIGANTS IN PERSON

#### A. Introduction

1. A litigant in person is a person involved in an Upper Tribunal case who acts by and for himself or herself. In other words, they are **not** represented by a professional who helps a party by giving advice on their case and, sometimes, by attending a hearing on their behalf.
2. The Upper Tribunal's rules of procedure<sup>1</sup> set out the way in which your appeal will be dealt with. Rule 2 contains what it calls the overriding objective, which is to deal with your case fairly and justly.
3. This guidance explains what that means in practice for litigants in person. Rule 2 gives some examples. The most relevant features for you are that the tribunal will help you to take part effectively by avoiding unnecessary formality and taking a flexible approach. It also uses its special expertise to help you understand the legal issues that arise in your case.
4. There is no exhaustive list of what this flexibility and expertise involves. It depends on the nature of your case, your ability and, if you have a representative, their experience. A party who is professionally represented will usually require less help than one who is not.

#### B. There are some things that we will do for you

5. In most of our cases, you will need permission to come to the Upper Tribunal. In order to do so, you will have to identify an error of law that the First-tier Tribunal may have made. We do not expect you to understand what is and is not an error of law. The judge will take account of what you have said in support of your case, but will also use their expertise to decide whether permission to appeal is justified.
6. We will obtain the papers that were used in the First-tier Tribunal and, if you are given permission, make up a paginated bundle for all the parties to use. We will keep this bundle up-to-date as the parties make submissions. You will be sent a copy of the bundle and all updates.
7. We will also help you to navigate the procedure on the appeal. At each stage, we will tell you what happens next, what you are expected to do, if anything, and

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<sup>1</sup> The Tribunal Procedure (Upper Tribunal) Rules 2008, which can be found at this address: <https://www.legislation.gov.uk/uksi/2008/2698/contents>

when to do it. If anything happens that requires something different, we will let you know what it is and why. What we cannot do is tell you how long your case is likely to take.

### **C. There are some things that we will not do**

8. Although we may help you understand and comply with the procedure, we must remain impartial between the parties.. That means that we will not give any party advice on what arguments to present or how to argue them.

9. Generally speaking, we will not help you find a representative. We will be able to tell you the sort of organisations that may be able to help you and we can give you the national web addresses for the Citizen's Advice Bureau and law centres. We are also able to put you in touch with the Free Representation Unit in London, but that is only in the sort of case that they might be willing to take on. If your case may be suitable, we will contact you about this.

10. We have no money to pay for a representative for you.

### **D. There are some things that you must do**

11. The rules of procedure say that you must help the tribunal deal with your case fairly and justly, and that you must co-operate with the tribunal generally. Co-operating with the tribunal is an important obligation which all parties must respect.

### **E. There are some things that you should do**

12. When you write to us, always use the Upper Tribunal's reference number. That will help us locate your case quickly.

13. The Upper Tribunal can only deal with the issues raised by your appeal. Please do not write to us about anything else, even if you think that it is related.

14. If you have a number of cases with us, please write separately about each case and always make it clear which you are writing about. The easiest way to do this is to use the Upper Tribunal's reference number.

15. Be patient. We have lots of cases and are not able to respond to you immediately. Writing to find out when we will reply may mean that it takes longer to reply to you and to other parties.

16. Keep to the timetable set for your case. If you are unable to keep to the timetable, let us know as soon as you can and tell us why you would like more time. Do not make your submissions sooner than you should or out of sequence, as this disrupts the timetable and may slow down the proceedings.

17. Take your time to decide what you want to say in your submission. Do not rush it, but do not leave it until the last minute either. There is no need for you to send documents that you have sent before. Sending repeat documents may slow down your case.

18. You may find that the other party supports your appeal. If that happens, still reply even if all you have to say is that you agree. Not replying may slow down the proceedings.

19. If your contact details change, let us know at once so that we will know how to get in touch.
20. There is more information that you may find helpful on the Administrative Appeals Chamber's web page.<sup>2</sup>

**DAME JUDITH FARBEY DBE**  
**CHAMBER PRESIDENT**  
**4 January 2021**

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<sup>2</sup> You will find the document at this address:  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/716361/utaac-faq-eng.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/716361/utaac-faq-eng.pdf)