

**THE OFFICE OF THE SOCIAL SECURITY COMMISSIONERS
AND CHILD SUPPORT COMMISSIONERS
AND PENSIONS APPEAL COMMISSIONERS**

**NOTES ON HOW TO APPLY FOR LEAVE TO APPEAL/
APPEAL TO A COMMISSIONER**

If you think that the Tribunal decision in your case is wrong you may wish to apply for leave (that is, permission) to appeal or appeal to a Commissioner. These notes are designed to tell you how to do so. **Please read the notes carefully.** They set out the steps involved and answer some questions you may have. Form PAC1 should be used if you do wish to apply for leave to appeal or appeal.

BEFORE YOU CAN APPEAL TO A COMMISSIONER

1. You must have a copy of the Tribunal's Statement of Reasons for its decision, and then:
2. Apply to the Tribunal Chairman for leave to appeal.

There are strict time limits for leave to appeal which are explained elsewhere in this guide.

Your chances of appealing may be lost or seriously prejudiced if you fail to meet the time limits.

3. When you hear from the Pensions Appeal Office (P.A.O.) with the Chairman's determination on your application for leave to appeal, complete the relevant parts of the PAC1 form and send it to the Commissioners' Office at the address given at the end of that form.

REMEMBER YOU MUST HAVE ASKED THE TRIBUNAL CHAIRMAN FOR LEAVE TO APPEAL BEFORE YOU CAN GO TO THE COMMISSIONER. If you have not done this you should do so by contacting the P.A.O. that issued your Tribunal decision without delay. If you have a form from the P.A.O. for applying for leave to appeal, use it to make your application.

IF THE CHAIRMAN GIVES LEAVE

If you have applied to the Chairman and he or she has GIVEN leave, you may appeal to a Commissioner using SECTIONS A B C & E of the form. The Commissioners' Office must receive your appeal within one month of the date you were sent the letter telling you that the Chairman had given leave.

If you are appealing to a Commissioner outside the one month time limit you will also have to complete **SECTION D** of the form.

If you are late in appealing a Commissioner will decide whether or not to allow your appeal to proceed.

IF THE CHAIRMAN REFUSES LEAVE OR REJECTS YOUR APPLICATION

If the Chairman has **refused** you leave or **rejected** your application for leave you may **apply to the Commissioner for leave**. Do this by completing **SECTIONS A B C & E** of the form. You have **one month** after the notice of refusal or rejection was sent to you by P.A.O. to apply to a Commissioner. If you are applying to a Commissioner outside this time limit you must also complete **Section D** of the form explaining why you are late.

If you are late in applying for leave to appeal a Commissioner will decide whether or not to allow your application.

IF A COMMISSIONER GRANTS LEAVE

If a Commissioner grants you leave you do not usually need to do anything more as your case will progress to the next stage in the Commissioners' Office automatically. The Commissioners' Office will write to you if there is anything more you need to do.

IF A COMMISSIONER REFUSES LEAVE

If a Commissioner refuses leave you cannot appeal against the determination. You will be informed in correspondence of the options open to you.

ADDITIONAL DOCUMENTS

You should send certain documents with the form when you send it in to the Commissioners' Office. Please see SECTION E of the form. It tells you about the additional documents.

TIME LIMITS

You must apply for leave to appeal from the Tribunal Chairman within six weeks from the date the written statement of Reasons was sent to you.

There are time limits for applying to P.A.O. for additional documents. The Record of Proceedings must be requested within one year and six weeks of the date of the issue of the Statement of Reasons. Do not delay your application if you are only waiting for a copy of the Record of Proceedings.