



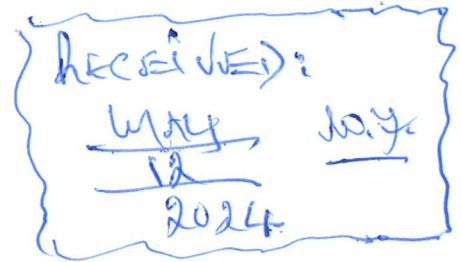
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Mr William Patrick Finnerty
Flat 21
30 Elgin Street
Belfast
Northern Ireland
BT7 3AG

Our Ref : BE/6784/19/45/O

Your Ref : YH615974D

Date : 08/05/2024



Dear Mr Finnerty

Re: Your Pensions Credit appeal

Thank you for your email dated 19 April 2024 stating your intention for making a Leave to Appeal application.

Your email was addressed to the Legal member Mr O'Brien please note the Tribunal is an Independent Judicial body and members of the Tribunal do not respond directly to correspondence from parties to the proceedings.

In your email you have requested a response on 2 queries, and I'll respond to them separately below

Question A – After the 26 April 24 can I apply for Leave to Appeal (LTA)? – to make a valid in time LTA application your application should be received within 1 month from the date your Statement of Reasons was issued. But as detailed in the notes pages issued to you with your Tribunal decision and your Statement of Reasons the absolute time limit you can make a Late LTA application is 13 months. If you are making a Late application, please include your reasons for lateness along with why you think the decision is an error of law.

Question B – Confirmation the email dated 18 October 2024 has been received as not mentioned in the Statement of Reasons. I can confirm that this email has been received and is held on file, as this email was received after your final date of hearing the email could not be detailed in the Statement of Reasons as it was received nearly 3 months after the Date of Hearing.

A further copy of Notes pages is included for reference.

Yours sincerely

Lynn Douglas

Clerk to the Appeal Tribunal

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STATEMENT OF REASONS FOR THE DECISION

This can be provided if a **written** request is made to the Clerk to the Tribunal within 1 month of the date of this notification, and is required by you if you decide to apply for leave to appeal to the Commissioner. (Regulation 53(4) and 58 (1) (b) of The Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999.) If a Statement of Reasons is sent to you, a Record of Proceedings will also be included.

LATE APPLICATIONS FOR REASONS

The time within which to apply for the statement of reasons may be extended by a legally qualified panel member in special circumstances. The application should contain particulars of the grounds on which the extension is sought, including details of any special circumstances. There is an absolute time limit of 3 months from the date of issue of the Tribunal decision for any application for the statement of reasons. (Regulation 54 of The Social Security and Child Support (Decision and Appeals) Regulations (Northern Ireland) 1999.)

The Clerk to the Tribunal can be contacted at:

The Appeals Service (NI), PO Box 2202, Belfast, BT1 9YJ Tel (028 90) 544000

Fax (028 90) 544199

or

The Appeals Service (NI), PO Box 99, Omagh BT78 9BF, Tel (028 82) 249595, Fax (028 82) 249956

THE RECORD OF PROCEEDINGS

This will be retained for a period of 6 months and a copy can be provided within that time on receipt of a written request. (Regulation 55(2) of The Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999.) However in the event that a Statement of Reasons sent to you, a Record of Proceedings will also be provided.

APPLICATIONS FOR LEAVE TO APPEAL TO THE COMMISSIONER

If you think the Tribunal made a mistake in applying the law, you may ask the Tribunal Chairman for leave to appeal to a Commissioner. In applying you must do the following:

1. **Firstly** make a written request to the Clerk to the Tribunal for the Statement of Reasons (see above). **Remember you have only 1 month within which to do so.**
2. **Within 1 month** of the date the Statement of Reasons is issued to you, you must make your application for leave to appeal **in writing**, stating clearly why you think the decision is wrong in law. There is a form for this purpose which I will send to you on request **or** your application may be by way of a letter.

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in receipt of an application for leave, the Chairman of the Tribunal may in certain circumstances set the decision being appealed aside, and refer it to be redetermined by the same or another Tribunal (Article 14 of The Social Security (Northern Ireland) Order 1998).

LATE APPLICATIONS FOR LEAVE

If an application for leave to appeal to a Commissioner is received outside the 1 month time limit a legally qualified panel member may, for special reasons accept, proceed to consider, and determine the application. **This means that in addition to the point of law on which you base your application you must state the reasons why your application is late.** There is an absolute time limit of 13 months from the date of issue of the statement of reasons and no application can be considered, for whatever reason, after that time. (Regulation 58(5) of The Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999.

All applications for leave to appeal to the Commissioner must be made, in the first instance, to the Chairman of the Appeal Tribunal.

APPLY TO HAVE YOUR DECISION SET ASIDE

If a valid application to set aside is granted, it cancels the original Tribunal decision enabling the appeal to be heard by a different panel. A set aside may be granted if:

- parties were unable to attend; and/or
- there are relevant documents which the Tribunal did not have when it made the decision.

You should include any evidence which you feel supports your application.

To apply to set aside the decision of the Tribunal, you must apply in writing to the Clerk to the Tribunal within 1 month of the date of the Tribunal's decision. You must provide reasons why you feel your appeal should be set aside and include any evidence you feel supports your application.

When an application to set aside is received, every party to the proceedings (Appellant/Department/Authorised Representative) will be sent a copy of the application and will be given 14 days in order to make representations. When the 14 day period has lapsed, it will be forwarded to a legally qualified member for determination.

Please note

All applications must contain a **hand written signature**, therefore emailed requests will only be accepted if they have been scanned and emailed to the Appeals Service.

Applications from Representatives

These should be accompanied by a form of authority to enable you to act on the Appellants behalf. An application made without the appropriate form of authority will not be accepted.

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