

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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### **Recall of decisions of the First-tier Tribunal for Scotland (Housing and Property Chamber)**

#### **What if a party wishes to apply to recall a decision?**

- A party can only apply for recall where the Tribunal made the decision in absence because the party did not take part in proceedings, or failed to appear or be represented at a hearing following which the decision was made.
- the application must be made in writing and state why it would be in the interests of justice for the decision to be recalled
- the application may not be made unless a copy of the application has been sent to the other parties at the same time
- the application must be made by the party and received by the Tribunal within 14 days of the decision. This period may be extended if the tribunal consider there is good reason to do so.

#### **What effect does an application for recall have?**

- an application for recall has the effect of preventing any further action being taken by any other party to enforce the decision for which recall is sought, until the recall application is determined by the Tribunal

#### **What can the other parties to proceedings do when an application for recall is made?**

Any party may oppose recall of a decision by:

- lodging a statement of objection within 10 days of receiving the copy of the application for recall; and
- sending a copy of the statement to the other party at the same time

#### **What decision can the Tribunal make on a recall application?**

The tribunal can:

- grant the application and recall the decision
- refuse the application; or
- order the parties to appear at a case management discussion where the tribunal will consider whether to recall the decision.

#### **Can the same party apply for recall more than once?**

No, a party may only apply for recall in the same proceedings on one occasion.