



HM Courts & Tribunals Service

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Great Britain

Upper Tribunal (Administrative
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Date: 23-02-2026

Dear Sir / Madam,

RE: UA-2026-000152-GIA Gill v Information Commissioner and Kent Police

We are writing to tell you that the Upper Tribunal Judge has considered this application and has refused permission to appeal. We enclose a copy of the Judge's decision (the Refusal Decision).

A copy of the Refusal Decision has been sent to all parties and their representatives.

You are **not** able to request that the Refusal Decision be reconsidered at an oral hearing as the Judge has found your application for permission to appeal to be totally without merit (rule 22(4A) of the Tribunal Procedure (Upper Tribunal) Rules 2008).

The effect of sections 13(1) and (8)(c) of the Tribunals, Courts and Enforcement Act 2007 is that the Refusal Decision **cannot be appealed**.

Set aside

There is provision under Rule 43 of the Tribunals Procedure (Upper Tribunal) Rules 2008 for a decision to be set aside in limited circumstances. A copy of Rule 43 is set out at the end of this letter. You should read it carefully.

An application under Rule 43 to set aside the Refusal Decision is **not an appeal** and it is likely that it will be dealt with by the judge who made that decision. An order setting aside the decision can only be made if **both** parts of Rule 43(1) are satisfied. To satisfy the second part it must be shown that one or more of the conditions in paragraph 43(2)(a), (b) and (c) are satisfied or that there has been some other procedural irregularity in the proceedings.

If you think that your case falls **within those limited circumstances**, and want to make an application under Rule 43, you must explain why and send the application to this office so that it is received no later than **one month** after you were sent the Refusal Decision.

If you have any queries about your legal position and what you can do now in relation to the grounds on which permission has been refused, you are **strongly advised to seek independent legal advice**. It is **not** possible for the Upper Tribunal administrative staff, registrars or judiciary to answer queries of this kind.

Yours sincerely,

Tobiloba Somefun
Clerk to the Upper Tribunal

Please note that it is the policy of this office to destroy case files one year after the date of the last judicial action. Accordingly, you should retain any papers that you may require in the future.

Statutory Instrument 2008 No 2698

TRIBUNALS AND INQUIRIES

The Tribunal Procedure (Upper Tribunal) Rules 2008

Setting aside a decision which disposes of proceedings

43.--(1) The Upper Tribunal may set aside a decision which disposes of proceedings, or part of such a decision, and re-make the decision or the relevant part of it, if--

- (a) the Upper Tribunal considers that it is in the interests of justice to do so; and
- (b) one or more of the conditions in paragraph (2) are satisfied.

(2) The conditions are--

- (a) a document relating to the proceedings was not sent to, or was not received at an appropriate time by, a party or a party's representative;
- (b) a document relating to the proceedings was not sent to the Upper Tribunal at an appropriate time;
- (c) a party, or a party's representative, was not present at a hearing related to the proceedings; or
- (d) there has been some other procedural irregularity in the proceedings.

(3) a party applying for a decision, or part of a decision, to be set aside under paragraph (1) must make a written application to the Upper Tribunal so that it is received no later than 1 month after the date on which the Tribunal sent notice of the decision to the party.

[paragraphs (4) and (5) do not apply to your case]