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## STATUTORY INSTRUMENTS

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# 2008 No. 2698

## The Tribunal Procedure (Upper Tribunal) Rules 2008

### PART 2

#### General powers and provisions

##### Withdrawal

17.—(1) Subject to paragraph (2), a party may give notice of the withdrawal of its case, or any part of it—

- (a) at any time before a hearing to consider the disposal of the proceedings (or, if the Upper Tribunal disposes of the proceedings without a hearing, before that disposal), by sending or delivering to the Upper Tribunal a written notice of withdrawal; or
- (b) orally at a hearing.

(2) Notice of withdrawal will not take effect unless the Upper Tribunal consents to the withdrawal except in relation to an application for permission to appeal.

(3) A party which has withdrawn its case may apply to the Upper Tribunal for the case to be reinstated.

(4) An application under paragraph (3) must be made in writing and be received by the Upper Tribunal within 1 month after—

- (a) the date on which the Upper Tribunal received the notice under paragraph (1)(a); or
  - (b) the date of the hearing at which the case was withdrawn orally under paragraph (1)(b).
- (5) The Upper Tribunal must notify each party in writing of a withdrawal under this rule.

[<sup>F1</sup>(6) Paragraph (3) does not apply to a financial services case other than a reference against a penalty.]

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##### Textual Amendments

- F1** Rule 17(6) inserted (6.4.2010) by [The Tribunal Procedure \(Upper Tribunal\) \(Amendment\) Rules 2010 \(S.I. 2010/747\)](#), rules 1, 7

**Status:**

Point in time view as at 06/04/2010. This version of this provision has been superseded.

**Changes to legislation:**

The Tribunal Procedure (Upper Tribunal) Rules 2008, Section 17 is up to date with all changes known to be in force on or before 02 October 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.