

*Status: Point in time view as at 01/09/2009.*

*Changes to legislation: Tribunals, Courts and Enforcement Act 2007, Part 3 is up to date with all changes known to be in force on or before 11 June 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. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 5

#### PROCEDURE IN FIRST-TIER TRIBUNAL AND UPPER TRIBUNAL

#### PART 3

#### MAKING OF TRIBUNAL PROCEDURE RULES BY TRIBUNAL PROCEDURE COMMITTEE

##### *Meaning of “Rules” and “the Committee”*

- 27 In the following provisions of this Part of this Schedule—  
“the Committee” means the Tribunal Procedure Committee;  
“Rules” means Tribunal Procedure Rules.

##### *Process for making Rules*

- 28 (1) Before the Committee makes Rules, the Committee must—  
(a) consult such persons (including such of the Chamber Presidents) as it considers appropriate,  
(b) consult the Lord President of the Court of Session if the Rules contain provision relating to proceedings in Scotland, and  
(c) meet (unless it is inexpedient to do so).
- (2) Rules made by the Committee must be—  
(a) signed by a majority of the members of the Committee, and  
(b) submitted to the Lord Chancellor.
- (3) The Lord Chancellor may allow or disallow Rules so made.
- (4) If the Lord Chancellor disallows Rules so made, he must give the Committee written reasons for doing so.
- (5) Rules so made and allowed—  
(a) come into force on such day as the Lord Chancellor directs, and  
(b) are to be contained in a statutory instrument to which the Statutory Instruments Act 1946 (c. 36) applies as if the instrument contained rules made by a Minister of the Crown.
- (6) A statutory instrument containing Rules made by the Committee is subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) In the case of a member of the Committee appointed under paragraph 24, the terms of his appointment may (in particular) provide that, for the purposes of subparagraph (2)(a), he is to count as a member of the Committee only in relation to matters specified in those terms.

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*Power of Lord Chancellor to require Rules to be made*

- 29 (1) This paragraph applies if the Lord Chancellor gives the Committee written notice that he thinks it is expedient for Rules to include provision that would achieve a purpose specified in the notice.
- (2) The Committee must make such Rules, in accordance with paragraph 28, as it considers necessary to achieve the specified purpose.
- (3) Those Rules must be made—
- (a) within such period as may be specified by the Lord Chancellor in the notice, or
  - (b) if no period is so specified, within a reasonable period after the Lord Chancellor gives the notice to the Committee.

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