
STATUTORY INSTRUMENTS

2008 No. 2685

The Tribunal Procedure (First-tier Tribunal)
(Social Entitlement Chamber) Rules 2008

PART 3

Proceedings before the Tribunal

CHAPTER 2

Hearings

Decision with or without a hearing

27.—(1) Subject to the following paragraphs, the Tribunal must hold a hearing before making a decision which disposes of proceedings unless—

- (a) each party has consented to, or has not objected to, the matter being decided without a hearing; and
- (b) the Tribunal considers that it is able to decide the matter without a hearing.

(2) This rule does not apply to decisions under Part 4.

(3) The Tribunal may in any event dispose of proceedings without a hearing under rule 8 (striking out a party's case).

(4) In a criminal injuries compensation case—

- (a) the Tribunal may make a decision which disposes of proceedings without a hearing; and
- (b) subject to paragraph (5), if the Tribunal makes a decision which disposes of proceedings without a hearing, any party may make a written application to the Tribunal for the decision to be reconsidered at a hearing.

(5) An application under paragraph (4)(b) may not be made in relation to a decision—

- (a) not to extend a time limit;
- (b) not to set aside a previous decision;
- (c) not to allow an appeal against a decision not to extend a time limit; or
- (d) not to allow an appeal against a decision not to reopen a case.

(6) An application under paragraph (4)(b) must be received within 1 month after the date on which the Tribunal sent notice of the decision to the party making the application.

Entitlement to attend a hearing

28. Subject to rule 30(5) (exclusion of a person from a hearing), each party to proceedings is entitled to attend a hearing.

Notice of hearings

29.—(1) The Tribunal must give each party entitled to attend a hearing reasonable notice of the time and place of the hearing (including any adjourned or postponed hearing) and any changes to the time and place of the hearing.

- (2) The period of notice under paragraph (1) must be at least 14 days except that—
- (a) in an asylum support case the Tribunal must give at least 1 day's and not more than 5 days' notice; and
 - (b) the Tribunal may give shorter notice—
 - (i) with the parties' consent; or
 - (ii) in urgent or exceptional circumstances.

Public and private hearings

30.—(1) Subject to the following paragraphs, all hearings must be held in public.

- (2) A hearing in a criminal injuries compensation case must be held in private unless—
- (a) the appellant has consented to the hearing being held in public; and
 - (b) the Tribunal considers that it is in the interests of justice for the hearing to be held in public.
- (3) The Tribunal may give a direction that a hearing, or part of it, is to be held in private.

[^{F1}(3A) Without prejudice to paragraph (3), the Tribunal may direct that a hearing, or part of it, is to be held in private if—

- (a) the Tribunal directs that the proceedings are to be conducted wholly or partly as video proceedings or audio proceedings;
- (b) it is not reasonably practicable for such a hearing, or such part, to be accessed in a court or tribunal venue by persons who are not parties entitled to participate in the hearing;
- (c) a media representative is not able to access the proceedings remotely while they are taking place; and
- (d) such a direction is necessary to secure the proper administration of justice.]

(4) Where a hearing, or part of it, is to be held in private, the Tribunal may determine who is permitted to attend the hearing or part of it.

- (5) The Tribunal may give a direction excluding from any hearing, or part of it—
- (a) any person whose conduct the Tribunal considers is disrupting or is likely to disrupt the hearing;
 - (b) any person whose presence the Tribunal considers is likely to prevent another person from giving evidence or making submissions freely;
 - (c) any person who the Tribunal considers should be excluded in order to give effect to a direction under rule 14(2) (withholding information likely to cause harm); or
 - (d) any person where the purpose of the hearing would be defeated by the attendance of that person.

(6) The Tribunal may give a direction excluding a witness from a hearing until that witness gives evidence.

Textual Amendments

- F1** Rule 30(3A) inserted (temp.) (10.4.2020) by [The Tribunal Procedure \(Coronavirus\) \(Amendment\) Rules 2020 \(S.I. 2020/416\)](#), rules 1(2), **4(3)**

[^{F2}Coronavirus temporary rule (recording of remote hearings)]

30A.—(1) In the circumstances set out in paragraph (3), the Tribunal must direct that the hearing be recorded, if practicable.

(2) Where the Tribunal has made a direction under paragraph (1), it may direct the manner in which the hearing must be recorded.

(3) The circumstances referred to in paragraph (1) are that the hearing, or part of it, is—

- (a) held in private under rule 30(3A); or
- (b) only treated as held in public by virtue of a media representative being able to access the proceedings remotely while they are taking place.]

Textual Amendments

- F2** Rule 30A inserted (temp.) (10.4.2020) by [The Tribunal Procedure \(Coronavirus\) \(Amendment\) Rules 2020 \(S.I. 2020/416\)](#), rules 1(2), **4(4)**

Hearings in a party's absence

31. If a party fails to attend a hearing the Tribunal may proceed with the hearing if the Tribunal—

- (a) is satisfied that the party has been notified of the hearing or that reasonable steps have been taken to notify the party of the hearing; and
- (b) considers that it is in the interests of justice to proceed with the hearing.

Status:

Point in time view as at 10/04/2020.

Changes to legislation:

There are currently no known outstanding effects for the The Tribunal Procedure (First-tier Tribunal) (Social Entitlement Chamber) Rules 2008, CHAPTER 2.