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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

**Use of documents and information**

- 14.—(1) The Upper Tribunal may make an order prohibiting the disclosure or publication of—
- (a) specified documents or information relating to the proceedings; or
  - (b) any matter likely to lead members of the public to identify any person whom the Upper Tribunal considers should not be identified.
- (2) The Upper Tribunal may give a direction prohibiting the disclosure of a document or information to a person if—
- (a) the Upper Tribunal is satisfied that such disclosure would be likely to cause that person or some other person serious harm; and
  - (b) the Upper Tribunal is satisfied, having regard to the interests of justice, that it is proportionate to give such a direction.
- (3) If a party (“the first party”) considers that the Upper Tribunal should give a direction under paragraph (2) prohibiting the disclosure of a document or information to another party (“the second party”), the first party must—
- (a) exclude the relevant document or information from any documents that will be provided to the second party; and
  - (b) provide to the Upper Tribunal the excluded document or information, and the reason for its exclusion, so that the Upper Tribunal may decide whether the document or information should be disclosed to the second party or should be the subject of a direction under paragraph (2).
- <sup>F1</sup>(4) .....
- (5) If the Upper Tribunal gives a direction under paragraph (2) which prevents disclosure to a party who has appointed a representative, the Upper Tribunal may give a direction that the documents or information be disclosed to that representative if the Upper Tribunal is satisfied that—
- (a) disclosure to the representative would be in the interests of the party; and
  - (b) the representative will act in accordance with paragraph (6).
- (6) Documents or information disclosed to a representative in accordance with a direction under paragraph (5) must not be disclosed either directly or indirectly to any other person without the Upper Tribunal's consent.
- (7) Unless the Upper Tribunal gives a direction to the contrary, information about mental health cases and the names of any persons concerned in such cases must not be made public.

**Status:** Point in time view as at 03/06/2019.

**Changes to legislation:** The Tribunal Procedure (Upper Tribunal) Rules 2008, Section 14 is up to date with all changes known to be in force on or before 26 May 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)

[<sup>F2</sup>(8) The Upper Tribunal may, on its own initiative or on the application of a party, give a direction that certain documents or information must or may be disclosed to the Upper Tribunal on the basis that the Upper Tribunal will not disclose such documents or information to other persons, or specified other persons.

[<sup>F3</sup>(8A) In a trade remedies case, the Upper Tribunal may give a direction under paragraph (8) if the Upper Tribunal is satisfied that—

- (a) where such documents or information have been supplied to the TRA, the TRA is treating such documents or information as confidential in accordance with—
  - (i) regulation 45 of the Trade Remedies (Dumping and Subsidisation) (EU Exit) Regulations 2019;
  - (ii) regulation 16 of the Trade Remedies (Increase in Imports Causing Serious Injury to UK Producers) (EU Exit) Regulations 2019; or
  - (iii) regulation 5 of the Trade Remedies (Reconsideration and Appeals) (EU Exit) Regulations 2019; or
- (b) where such documents or information have not been supplied to the TRA, if such documents or information were to be supplied to the TRA in accordance with regulation 5 of the Trade Remedies (Reconsideration and Appeals) (EU Exit) Regulations 2019, the TRA would be entitled to treat such documents or information as confidential in accordance with that regulation,

and the Upper Tribunal is not precluded from considering such documents or information in making its decision in the case.]

(9) A party making an application for a direction under paragraph (8) may withhold the relevant documents or information from other parties until the Upper Tribunal has granted or refused the application.

(10) In a case involving matters relating to national security, the Upper Tribunal must ensure that information is not disclosed contrary to the interests of national security.

(11) The Upper Tribunal must conduct proceedings and record its decision and reasons appropriately so as not to undermine the effect of an order made under paragraph (1), a direction given under paragraph (2) or (8) or the duty imposed by paragraph (10).]

#### Textual Amendments

- F1** Rule 14(4) omitted (1.9.2009) by virtue of [The Tribunal Procedure \(Amendment No. 2\) Rules 2009 \(S.I. 2009/1975\)](#), rules 1, **13(a)**
- F2** Rule 14(8)-(11) inserted (1.9.2009) by [The Tribunal Procedure \(Amendment No. 2\) Rules 2009 \(S.I. 2009/1975\)](#), rules 1, **13(b)**
- F3** [Rule 14\(8A\)](#) inserted (3.6.2019) by [The Tribunal Procedure \(Amendment\) Rules 2019 \(S.I. 2019/925\)](#), rules 1(2), **2(3)** (with rule 6)

**Status:**

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**Changes to legislation:**

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