
STATUTORY INSTRUMENTS

2008 No. 2698

The Tribunal Procedure (Upper Tribunal) Rules 2008

PART 2

General powers and provisions

Case management powers

5.—(1) Subject to the provisions of the 2007 Act and any other enactment, the Upper Tribunal may regulate its own procedure.

(2) The Upper Tribunal may give a direction in relation to the conduct or disposal of proceedings at any time, including a direction amending, suspending or setting aside an earlier direction.

(3) In particular, and without restricting the general powers in paragraphs (1) and (2), the Upper Tribunal may—

- (a) extend or shorten the time for complying with any rule, practice direction or direction;
- (b) consolidate or hear together two or more sets of proceedings or parts of proceedings raising common issues, or treat a case as a lead case;
- (c) permit or require a party to amend a document;
- (d) permit or require a party or another person to provide documents, information, evidence or submissions to the Upper Tribunal or a party;
- (e) deal with an issue in the proceedings as a preliminary issue;
- (f) hold a hearing to consider any matter, including a case management issue;
- (g) decide the form of any hearing;
- (h) adjourn or postpone a hearing;
- (i) require a party to produce a bundle for a hearing;
- (j) stay (or, in Scotland, sist) proceedings;
- (k) transfer proceedings to another court or tribunal if that other court or tribunal has jurisdiction in relation to the proceedings and—
 - (i) because of a change of circumstances since the proceedings were started, the Upper Tribunal no longer has jurisdiction in relation to the proceedings; or
 - (ii) the Upper Tribunal considers that the other court or tribunal is a more appropriate forum for the determination of the case;
- (l) suspend the effect of its own decision pending an appeal or review of that decision;
- (m) in an appeal, or an application for permission to appeal, against the decision of another tribunal, suspend the effect of that decision pending the determination of the application for permission to appeal, and any appeal;
- [^{F1}(n) require any person, body or other tribunal whose decision is the subject of proceedings before the Upper Tribunal to provide reasons for the decision, or other information or

Status: Point in time view as at 20/10/2014. This version of this provision has been superseded.

Changes to legislation: The Tribunal Procedure (Upper Tribunal) Rules 2008, Section 5 is up to date with all changes known to be in force on or before 08 July 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)

documents in relation to the decision or any proceedings before that person, body or tribunal.]

[^{F2}(4) The Upper Tribunal may direct that a fast-track case cease to be treated as a fast-track case if—

- (a) all the parties consent; [^{F3}or]
- (b) the Upper Tribunal is satisfied that ^{F4}... the appeal or application could not be justly determined if it were treated as a fast-track case^{F5}...
- ^{F6}(c)]

[^{F7}(5) In a financial services case, the Upper Tribunal may direct that the effect of the decision in respect of which the reference has been made is to be suspended pending the determination of the reference, if it is satisfied that to do so would not prejudice—

- (a) the interests of any persons (whether consumers, investors or otherwise) intended to be protected by that notice; ^{F8}...
- (b) the smooth operation or integrity of any market intended to be protected by that notice [^{F9}; or]
- [the stability of the financial system of the United Kingdom.]

^{F10}(c)

(6) Paragraph (5) does not apply in the case of a reference in respect of a decision of the Pensions Regulator.]

[^{F11}(7) In a wholesale energy case, the Upper Tribunal may direct that the effect of the decision in respect of which the reference has been made is to be suspended pending the determination of the reference.]

Textual Amendments

- F1** Rule 5(3)(n) substituted (1.9.2009) by [The Tribunal Procedure \(Amendment No. 2\) Rules 2009 \(S.I. 2009/1975\)](#), rules 1, **9**
- F2** Rule 5(4) inserted (15.2.2010) by [The Tribunal Procedure \(Amendment No. 2\) Rules 2010 \(S.I. 2010/44\)](#), rules 1, **4**
- F3** Word in rule 5(4)(a) inserted (20.10.2014) by [The Tribunal Procedure \(Amendment No. 3\) Rules 2014 \(S.I. 2014/2128\)](#), rules 1(b), **5(a)**
- F4** Words in rule 5(4)(b) omitted (20.10.2014) by virtue of [The Tribunal Procedure \(Amendment No. 3\) Rules 2014 \(S.I. 2014/2128\)](#), rules 1(b), **5(b)(i)**
- F5** Word in rule 5(4)(b) omitted (20.10.2014) by virtue of [The Tribunal Procedure \(Amendment No. 3\) Rules 2014 \(S.I. 2014/2128\)](#), rules 1(b), **5(b)(ii)**
- F6** Rule 5(4)(c) omitted (20.10.2014) by virtue of [The Tribunal Procedure \(Amendment No. 3\) Rules 2014 \(S.I. 2014/2128\)](#), rules 1(b), **5(c)**
- F7** Rule 5(5) (6) inserted (6.4.2010) by [The Tribunal Procedure \(Upper Tribunal\) \(Amendment\) Rules 2010 \(S.I. 2010/747\)](#), rules 1, **5**
- F8** Word in rule 5(5)(a) omitted (1.4.2013) by virtue of [The Tribunal Procedure \(Amendment No. 2\) Rules 2013 \(S.I. 2013/606\)](#), rules 1, **2(3)(a)**
- F9** Word in rule 5(5)(b) substituted (1.4.2013) by [The Tribunal Procedure \(Amendment No. 2\) Rules 2013 \(S.I. 2013/606\)](#), rules 1, **2(3)(b)**
- F10** Rule 5(5)(c) inserted (1.4.2013) by [The Tribunal Procedure \(Amendment No. 2\) Rules 2013 \(S.I. 2013/606\)](#), rules 1, **2(3)(c)**
- F11** Rule 5(7) inserted (6.4.2014) by [The Tribunal Procedure \(Amendment\) Rules 2014 \(S.I. 2014/514\)](#), rules 1, **5**

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