
STATUTORY INSTRUMENTS

2008 No. 2698

The Tribunal Procedure (Upper Tribunal) Rules 2008

PART 2

General powers and provisions

Striking out a party's case

- 8.—^[F1](1) The proceedings, or the appropriate part of them, will automatically be struck out—
- (a) if the appellant or applicant has failed to comply with a direction that stated that failure by the appellant or applicant to comply with the direction would lead to the striking out of the proceedings or part of them; or
 - (b) ^[F2]in immigration judicial review proceedings, when a fee has not been paid, as required, in respect of an application under rule 30(4) or upon the grant of permission.]]

^[F3](1A) Except for paragraph (2), this rule does not apply to an asylum case or an immigration case.]

(2) The Upper Tribunal must strike out the whole or a part of the proceedings if the Upper Tribunal—

- (a) does not have jurisdiction in relation to the proceedings or that part of them; and
- (b) does not exercise its power under rule 5(3)(k)(i) (transfer to another court or tribunal) in relation to the proceedings or that part of them.

(3) The Upper Tribunal may strike out the whole or a part of the proceedings if—

- (a) the appellant or applicant has failed to comply with a direction which stated that failure by the appellant or applicant to comply with the direction could lead to the striking out of the proceedings or part of them;
- (b) the appellant or applicant has failed to co-operate with the Upper Tribunal to such an extent that the Upper Tribunal cannot deal with the proceedings fairly and justly; or
- (c) in proceedings which are not an appeal from the decision of another tribunal or judicial review proceedings, the Upper Tribunal considers there is no reasonable prospect of the appellant's or the applicant's case, or part of it, succeeding.

(4) The Upper Tribunal may not strike out the whole or a part of the proceedings under paragraph (2) or (3)(b) or (c) without first giving the appellant or applicant an opportunity to make representations in relation to the proposed striking out.

(5) If the proceedings have been struck out under paragraph (1) or (3)(a), the appellant or applicant may apply for the proceedings, or part of them, to be reinstated.

(6) An application under paragraph (5) must be made in writing and received by the Upper Tribunal within 1 month after the date on which the Upper Tribunal sent notification of the striking out to the appellant or applicant.

Status: Point in time view as at 01/11/2013.

Changes to legislation: The Tribunal Procedure (Upper Tribunal) Rules 2008, Section 8 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)

(7) This rule applies to a respondent [^{F4}or an interested party] as it applies to an appellant or applicant except that—

- (a) a reference to the striking out of the proceedings is to be read as a reference to the barring of the respondent [^{F5}or interested party] from taking further part in the proceedings; and
- (b) a reference to an application for the reinstatement of proceedings which have been struck out is to be read as a reference to an application for the lifting of the bar on the respondent [^{F5}or interested party]^{F6}... taking further part in the proceedings.

(8) If a respondent [^{F7}or an interested party] has been barred from taking further part in proceedings under this rule and that bar has not been lifted, the Upper Tribunal need not consider any response or other submission made by that respondent [^{F8}or interested party, and may summarily determine any or all issues against that respondent or interested party].

Textual Amendments

- F1** Rule 8(1) substituted (17.10.2011) by [The Tribunal Procedure \(Upper Tribunal\) \(Amendment\) Rules 2011 \(S.I. 2011/2343\)](#), rules 1, **5**
- F2** Rule 8(1)(b) substituted (1.11.2013) by [The Tribunal Procedure \(Amendment No. 4\) Rules 2013 \(S.I. 2013/2067\)](#), rules 1, **5**
- F3** Rule 8(1A) inserted (15.2.2010) by [The Tribunal Procedure \(Amendment No. 2\) Rules 2010 \(S.I. 2010/44\)](#), rules 1, **6**
- F4** Words in rule 8(7) inserted (1.4.2009) by [Tribunal Procedure \(Amendment\) Rules 2009 \(S.I. 2009/274\)](#), rules 1, **6(2)(a)**
- F5** Words in rule 8(7)(a)(b) inserted (1.4.2009) by [Tribunal Procedure \(Amendment\) Rules 2009 \(S.I. 2009/274\)](#), rules 1, **6(2)(b)**
- F6** Word in rule 8(7)(b) omitted (1.4.2009) by virtue of [Tribunal Procedure \(Amendment\) Rules 2009 \(S.I. 2009/274\)](#), rules 1, **6(2)(c)**
- F7** Words in rule 8(8) inserted (1.4.2009) by [Tribunal Procedure \(Amendment\) Rules 2009 \(S.I. 2009/274\)](#), rules 1, **6(3)(a)**
- F8** Words in rule 8(8) inserted (1.4.2009) by [Tribunal Procedure \(Amendment\) Rules 2009 \(S.I. 2009/274\)](#), rules. 1, **6(3)(b)**

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