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*Status: Point in time view as at 17/10/2011.*

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## STATUTORY INSTRUMENTS

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### **2008 No. 2698 (L. 15)**

## **TRIBUNALS AND INQUIRIES**

### The Tribunal Procedure (Upper Tribunal) Rules 2008

*Made - - - - 9th October 2008*

*Laid before Parliament 15th October 2008*

*Coming into force 3rd November 2008*

## THE TRIBUNAL PROCEDURE (UPPER TRIBUNAL) RULES 2008

### PART 1

#### Introduction

1. Citation, commencement, application and interpretation
2. Overriding objective and parties' obligation to co-operate with the Upper Tribunal
3. Alternative dispute resolution and arbitration

### PART 2

#### General powers and provisions

4. Delegation to staff
5. Case management powers
6. Procedure for applying for and giving directions
7. Failure to comply with rules etc.
8. Striking out a party's case
9. Addition, substitution and removal of parties
10. Orders for costs
11. Representatives
12. Calculating time
13. Sending and delivery of documents
14. Use of documents and information
15. Evidence and submissions
16. Summoning or citation of witnesses and orders to answer questions or produce documents
17. Withdrawal
- 17A. Appeal treated as abandoned or finally determined in an asylum case or an immigration case

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- 18. Notice of funding of legal services
- 19. Confidentiality in child support or child trust fund cases
- 20. Power to pay expenses and allowances
- 20A Procedure for applying for a stay of a decision pending an appeal

### PART 3

#### Procedure for cases in the Upper Tribunal

- 21. Application to the Upper Tribunal for permission to appeal
- 22. Decision in relation to permission to appeal
- 23. Notice of appeal
- 24. Response to the notice of appeal
- 25. Appellant's reply
- 26. References under the Forfeiture Act 1982
- 26A Cases transferred or referred to the Upper Tribunal, applications made directly to the Upper Tribunal and proceedings without notice to a respondent
- 26B Financial services cases

### PART 4

#### Judicial review proceedings in the Upper Tribunal

- 27. Application of this Part to judicial review proceedings transferred to the Upper Tribunal
- 28. Applications for permission to bring judicial review proceedings
- 28A Special provisions for fresh claim proceedings
- 29. Acknowledgment of service
- 30. Decision on permission or summary dismissal, and reconsideration of permission or summary dismissal at a hearing
- 31. Responses
- 32. Applicant seeking to rely on additional grounds
- 33. Right to make representations
- 33A Amendments and additional grounds resulting in transfer of proceedings to the High Court in England and Wales

### PART 5

#### Hearings

- 34. Decision with or without a hearing
- 35. Entitlement to attend a hearing
- 36. Notice of hearings
- 36A Special time limits for hearing an appeal in a fast-track case
- 37. Public and private hearings
- 38. Hearings in a party's absence

### PART 6

#### Decisions

- 39. Consent orders
- 40. Decisions
- 40A Special procedure for providing notice of a decision relating to an asylum case

## PART 7

### Correcting, setting aside, reviewing and appealing decisions of the Upper Tribunal

41. Interpretation
  42. Clerical mistakes and accidental slips or omissions
  43. Setting aside a decision which disposes of proceedings
  44. Application for permission to appeal
  45. Upper Tribunal's consideration of application for permission to appeal
  46. Review of a decision
  47. Setting aside a decision in proceedings under the Forfeiture Act 1982
  48. Power to treat an application as a different type of application
- Signature

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#### SCHEDULE1 — Procedure after the notice of appeal in appeals against decisions of traffic commissioners

1. This Schedule applies to an appeal against the decision of...
2. The only parties to the appeal are the appellant and...
3. On receipt of a copy of a notice of appeal...
4. On receipt of a list under paragraph 3(d) the Upper...
5. The appropriate national authority and any person to whom the...
6. An application under paragraph 5 must be sent or delivered...
7. If a person specified in paragraph 8 makes an application...
8. The persons specified for the purposes of paragraph 7 are—...
9. The Upper Tribunal must notify each other party of any...
10. Any party may make a request to the Upper Tribunal...
11. On receiving a request under paragraph 10 the Upper Tribunal—...

#### SCHEDULE2 — Additional procedure in national security certificate cases

1. This Schedule applies only to national security certificate appeals.
2. Following the transfer of the appeal from the First-tier Tribunal,...
3. The relevant Minister must send or deliver to the Upper...
4. In an appeal under section 28(4) of the Data Protection...
5. In an appeal under section 28(6) of the Data Protection...
6. The Upper Tribunal must— (a) subject to paragraph 11, provide...
7. On grounds of the need to ensure that information is...
8. A notice under paragraph 7 must— (a) state the reason...
9. Before the Upper Tribunal gives a direction, issues a summons...
10. When deciding whether to uphold an objection made by the...
11. Where the relevant Minister may object to the disclosure of...

#### SCHEDULE3 — Procedure in financial services cases

1. Interpretation
2. Reference notice
3. Register of references and decisions
4. Respondent's statement of case
5. Applicant's reply
6. Secondary disclosure by the respondent
7. Exceptions to disclosure
8. Subsequent notices in relation to the referred action
9. References by third parties

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## Explanatory Note

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