

STATUTORY INSTRUMENTS

2008 No. 2698

The Tribunal Procedure (Upper Tribunal) Rules 2008

PART 6

Decisions

Consent orders

39.—(1) The Upper Tribunal may, at the request of the parties but only if it considers it appropriate, make a consent order disposing of the proceedings and making such other appropriate provision as the parties have agreed.

(2) Notwithstanding any other provision of these Rules, the [^{F1}Upper] Tribunal need not hold a hearing before making an order under paragraph (1)^{F2}....

Textual Amendments

F1 Word in rule 39(2) inserted (1.11.2013) by [The Tribunal Procedure \(Amendment No. 4\) Rules 2013 \(S.I. 2013/2067\)](#), rules 1, **15**

F2 Words in rule 39(2) omitted (1.4.2009) by virtue of [Tribunal Procedure \(Amendment\) Rules 2009 \(S.I. 2009/274\)](#), rules 1, **20**

Decisions

40.—(1) The Upper Tribunal may give a decision orally at a hearing.

[^{F3}(1A) Subject to paragraph (1B), in immigration judicial review proceedings, a decision which disposes of proceedings shall be given at a hearing.

(1B) Paragraph (1A) does not affect the power of the Upper Tribunal to—

- (a) strike out a party's case, pursuant to rule 8(1)(b) or 8(2);
- (b) consent to withdrawal, pursuant to rule 17;
- (c) determine an application for permission to bring judicial review proceedings, pursuant to rule 30; or
- (d) make a consent order disposing of proceedings, pursuant to rule 39,

without a hearing.]

(2) [^{F4}Except where [^{F5}rule 22 (decision in relation to permission to appeal) ^{F6}...] applies,]^{F7}... the Upper Tribunal must provide to each party as soon as reasonably practicable after making [^{F8}a decision (other than a decision under Part 7) which finally disposes of all issues in the proceedings or of a preliminary issue dealt with following a direction under rule 5(3)(e)]—

- (a) a decision notice stating the [^{F9}Upper] Tribunal's decision; and

Status: Point in time view as at 25/12/2023.

Changes to legislation: The Tribunal Procedure (Upper Tribunal) Rules 2008, PART 6 is up to date with all changes known to be in force on or before 09 August 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)

- (b) notification of any rights of review or appeal against the decision and the time and manner in which such rights of review or appeal may be exercised.
- (3) ^{F10}Subject to rule ^{F11}14(11) (prevention of disclosure or publication of documents and information)],] the Upper Tribunal must provide written reasons for its decision with a decision notice provided under paragraph (2)(a) unless—
 - (a) the decision was made with the consent of the parties; or
 - (b) the parties have consented to the Upper Tribunal not giving written reasons.
- (4) The ^{F12}Upper] Tribunal may provide written reasons for any decision to which paragraph (2) does not apply.
- ^{F13}(5) In a national security certificate appeal, when the Upper Tribunal provides a notice or reasons to the parties under this rule, it must also provide the notice or reasons to the relevant Minister and the Information Commissioner, if they are not parties.]

Textual Amendments	
F3	Rule 40(1A)(1B) inserted (1.11.2013) by The Tribunal Procedure (Amendment No. 4) Rules 2013 (S.I. 2013/2067) , rules 1, 16
F4	Words in rule 40(2) inserted (15.2.2010) by The Tribunal Procedure (Amendment No. 2) Rules 2010 (S.I. 2010/44) , rules 1, 19
F5	Words in rule 40(2) substituted (20.10.2014) by The Tribunal Procedure (Amendment No. 3) Rules 2014 (S.I. 2014/2128) , rules 1(b), 14
F6	Words in art. 40(2) omitted (25.12.2023) by virtue of The Tribunal Procedure (Amendment No. 2) Rules 2023 (S.I. 2023/1280) , rules 1, 3(4)
F7	Words in rule 40(2) omitted (1.4.2009) by virtue of Tribunal Procedure (Amendment) Rules 2009 (S.I. 2009/274) , rules 1, 21(a)
F8	Words in rule 40(2) substituted (1.4.2013) by The Tribunal Procedure (Amendment) Rules 2013 (S.I. 2013/477) , rules 1(2)(c), 56(a)
F9	Word in rule 40(2)(a) inserted (1.4.2013) by The Tribunal Procedure (Amendment) Rules 2013 (S.I. 2013/477) , rules 1(2)(c), 56(b)
F10	Words in rule 40(3) inserted (1.4.2009) by Tribunal Procedure (Amendment) Rules 2009 (S.I. 2009/274) , rules 1, 21(b)
F11	Words in rule 40(3) substituted (1.9.2009) by The Tribunal Procedure (Amendment No. 2) Rules 2009 (S.I. 2009/1975) , rules 1, 21(a)
F12	Word in rule 40(4) inserted (1.9.2009) by The Tribunal Procedure (Amendment No. 2) Rules 2009 (S.I. 2009/1975) , rules 1, 21(b)
F13	Rule 40(5) inserted (18.1.2010) by The Tribunal Procedure (Amendment) Rules 2010 (S.I. 2010/43) , rules 1, 13

^{F14}**Special procedure for providing notice of a decision relating to an asylum case**

^{F15}**40A.**]

Textual Amendments	
F14	Rule 40A inserted (15.2.2010) by The Tribunal Procedure (Amendment No. 2) Rules 2010 (S.I. 2010/44) , rules 1, 20
F15	Rule 40A omitted (20.10.2014) by virtue of The Tribunal Procedure (Amendment No. 3) Rules 2014 (S.I. 2014/2128) , rules 1(b), 15

Status:

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