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STATUTORY INSTRUMENTS

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**2020 No. 651**

**The Tribunal Procedure (Amendment) Rules 2020**

**Amendments to the Tribunal Procedure (Upper Tribunal) Rules 2008** **U.K.**

- 5.—(1) The Tribunal Procedure (Upper Tribunal) Rules 2008(1) are amended as follows.
- (2) In rule 1 (citation, commencement, application and interpretation) in paragraph (3)—
- (a) omit the definition of “fast-track case”;
  - (b) in the definition of “immigration case”—
    - (i) after “2006” insert “, regulation 36 of the Immigration (European Economic Area) Regulations 2016 or the Immigration (Citizens’ Rights Appeals) (EU Exit) Regulations 2020”;
    - (ii) omit “, or the Immigration (Citizens’ Rights Appeals) (EU Exit) Regulations 2020”.
- (3) In rule 4 (delegation to staff)—
- (a) in paragraph (1)—
    - (i) before “may” insert “or section 2(1) of the Courts Act 2003 (court officers, staff and services)”;
    - (ii) for “with the approval of” substitute “if authorised by”;
    - (iii) after “Tribunals” insert “under paragraph 3(3) of Schedule 5 to the 2007 Act”;
  - (b) omit paragraph (2).
- (4) In rule 5 (case management powers) omit paragraph (4).
- (5) In rule 17A (appeal treated as abandoned or finally determined in an asylum case or an immigration case) in paragraph (2) before “104(4)” insert “92(8),”.
- (6) In rule 21 (application to the Upper Tribunal for permission to appeal) for sub-paragraph (aa) of paragraph (3) substitute—
- “(aa) in an asylum case or an immigration case where the appellant is in the United Kingdom at the time that the application is made, 14 days after the date on which notice of the First-tier Tribunal’s refusal of permission was sent to the appellant;”.
- (7) In rule 22A (special procedure for providing notice of a refusal of permission to appeal in an asylum case) in paragraph (1)—
- (a) in sub-paragraph (a) at the end insert “and”;
  - (b) in sub-paragraph (b) for “; and” substitute a full stop;
  - (c) omit sub-paragraph (c).
- (8) In rule 24 (response to the notice of appeal) in paragraph (2)—
- (a) omit sub-paragraph (aa);
  - (b) in sub-paragraph (ab), at the end insert “or”.

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(1) S.I. 2008/2698; relevant amending instruments are S.I. 2009/274, 1975, 2010/43, 44, 747, 2011/651, 2012/1363, 2013/606, 2067, 2014/514, 2128, 2015/1510, 2017/723, 2018/1053, 2019/925, 2020/61, 416.

*Status: Point in time view as at 28/06/2022.*

*Changes to legislation: There are currently no known outstanding effects for the The Tribunal Procedure (Amendment) Rules 2020, Section 5. (See end of Document for details)*

(9) In rule 25 (appellant’s reply) for paragraph (2A) substitute—

“(2A) In an asylum case or an immigration case, the time limit in paragraph (2) is one month after the date on which the Upper Tribunal sent a copy of the response to the appellant, or five days before the hearing of the appeal, whichever is the earlier.”.

(10) In rule 36 (notice of hearings) in paragraph (2)—

(a) in sub-paragraph (a) at the end insert “and”;

(b) omit sub-paragraph (aa);

(c) in sub-paragraph (b) omit “in any case other than a fast-track case”.

(11) In rule 37A (coronavirus temporary rule (recording of remote hearings)) after paragraph (3) insert—

“(4) On the application of any person, any recording made pursuant to a direction under paragraph (1) is to be accessed with the consent of the Upper Tribunal in such manner as the Upper Tribunal may direct.”.

**Modifications etc. (not altering text)**

**C1** [Rule 5\(11\)](#) continued until 25.9.2022 (E.W.) (24.3.2022) by virtue of [The Coronavirus Act 2020 \(Delay in Expiry: Inquests, Courts and Tribunals, and Statutory Sick Pay\) \(England and Wales and Northern Ireland\) Regulations 2022 \(S.I. 2022/362\)](#), regs. 1(2), 2

**C2** [Rule 5\(11\)](#) continued until 25.9.2022 despite the repeal of 2020 c. 7, s. 55(b) (28.6.2022) by virtue of [The Police, Crime, Sentencing and Courts Act 2022 \(Commencement No. 2\) Regulations 2022 \(S.I. 2022/704\)](#), reg. 2

**Commencement Information**

**I1** Rule 5 in force at 21.7.2021 in accordance with rule 1(1)

**Status:**

Point in time view as at 28/06/2022.

**Changes to legislation:**

There are currently no known outstanding effects for the The Tribunal Procedure (Amendment) Rules 2020, Section 5.