

2021 No. 322 (L. 5)

TRIBUNALS AND INQUIRIES

The Tribunal Procedure (Amendment) Rules 2021

Made - - - - *14th March 2021*

Laid before Parliament *16th March 2021*

Coming into force - - *6th April 2021*

The Tribunal Procedure Committee makes the following Rules, in exercise of the powers conferred by sections 22 and 29(3) of, and Schedule 5 to, the Tribunals, Courts and Enforcement Act 2007(a), having consulted in accordance with paragraph 28(1) of Schedule 5 to that Act.

The Lord Chancellor has allowed the Rules in accordance with paragraph 28(3) of Schedule 5 to the Tribunals, Courts and Enforcement Act 2007.

Citation, commencement and extent

1.—(1) These Rules may be cited as the Tribunal Procedure (Amendment) Rules 2021 and come into force on the twenty-first day after the day on which they are laid.

(2) Subject to paragraph (3), these Rules extend to England and Wales, Scotland and Northern Ireland.

(3) Rule 4 extends to England and Wales only.

Amendment to the Tribunal Procedure (Upper Tribunal) Rules 2008

2. Omit rule 36A (special time limits for fast track cases) of the Tribunal Procedure (Upper Tribunal) Rules 2008(b).

Amendments to the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009

3.—(1) Rule 17 (withdrawal) of the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009(c) is amended as follows.

(2) In paragraph (1) omit “and, in the case of a withdrawal of a reference from an ethical standards officer, to the provisions of regulation 5 of the Case Tribunals (England) Regulations 2008,”.

(a) 2007 c. 15. Paragraph 12(2)(b) of Schedule 5 was amended by paragraph 52(1)(b) of Schedule 9 to the Crime and Courts Act 2013 (c. 22); paragraph 14 of Schedule 5 was amended by S.I. 2010/220; paragraph 21 of Schedule 5 was amended by S.I. 2013/2042; paragraph 3 of Schedule 5 was amended, and paragraph 28A was inserted, by Part 2 of Schedule 1 to the Courts and Tribunals (Judiciary and Functions of Staff) Act 2018 (c. 33).
(b) S.I. 2008/2698; relevant amending instruments are S.I. 2010/44, 2014/2128.
(c) S.I. 2009/1976; relevant amending instruments are S.I. 2010/43, 2013/477.

(3) In paragraph (5) for “this rule” substitute “paragraph (2)”.

(4) After paragraph (5) insert—

“(6) The Tribunal must (save for good reason) treat the proceedings as withdrawn if the respondent provides notification in writing to the Tribunal and each other party that the decision or act to which the proceedings relate has been withdrawn or revoked, or that the respondent otherwise does not rely upon the decision or act.

(7) For the purposes of paragraph (6) “decision or act” includes a direction or order, and means, where the proceedings relate to more than one decision or act, all of the decisions or acts.

(8) The Tribunal must notify each party in writing that the proceedings have been treated as withdrawn under paragraph (6).

(9) A party may apply to the Tribunal for proceedings which have been treated as withdrawn under paragraph (6) to be reinstated.

(10) An application under paragraph (9) must be made in writing and be received by the Tribunal within 28 days after the date on which the Tribunal sent the notice under paragraph (8).”.

Amendments to the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013

4.—(1) Rule 13 (costs) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013(a) is amended as follows.

(2) In paragraph (1)—

(a) at the end of sub-paragraph (b) omit “or”; and

(b) in sub-paragraph (c) at the end insert—

“, or

(d) in proceedings under Schedule 3A to the Communications Act 2003 (the Electronic Communications Code) which have been transferred from the Upper Tribunal.”.

(3) After paragraph (1) insert—

“(1A) An order under paragraph (1)(d) may be made in respect of costs of—

(a) any part of the proceedings in the Tribunal, and

(b) any part of the proceedings which took place in the Upper Tribunal before the transfer (subject to any contrary order or direction by the Upper Tribunal).”.

We make these Rules

Tim Fagg
Mark Loveday
Jayam Dalal
Philip Brook Smith
Peter Roth
TPC Members

4th March 2021

I allow these Rules

David Wolfson
Parliamentary Under Secretary of State
Ministry of Justice

14th March 2021

(a) S.I. 2013/1169, amended by S.I. 2019/925; there are other amending instruments but none is relevant.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules make amendments to the various procedural rules which apply in the First-tier Tribunal and Upper Tribunal. Rule 2 deletes a rule from the Tribunal Procedure (Upper Tribunal) Rules 2008 (S.I.2008/2698). Rule 3 amends a rule about the withdrawal of cases in the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009 (S.I. 2009/1976). Rule 4 amends a rule about costs in the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 (S.I. 2013/1169).

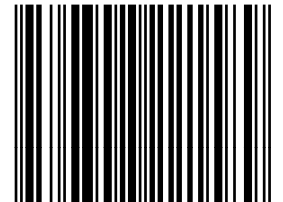
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