
STATUTORY INSTRUMENTS

2022 No. 1030

The Tribunal Procedure (Amendment No. 2) Rules 2022

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

2.—(1) The Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009⁽¹⁾ are amended as follows.

(2) In rule 1(3) (citation, commencement, application and interpretation) for the definition of “charities case” substitute—

““charities case” means—

- (a) an appeal or application in respect of a decision, order or direction of the Charity Commission listed in column 1 of Schedule 6 to the Charities Act 2011;
- (b) a reference under section 325 or 326 of the Charities Act 2011; or
- (c) an application under section 324A of the Charities Act 2011⁽²⁾;

(3) In rule 9(5) (addition, substitution and removal of parties) for “Schedule 1D of the Charities Act 1993” substitute “section 325 or 326 of the Charities Act 2011”.

(4) After rule 25 (application of this chapter) insert—

“Application for an authorised costs order

25A.—(1) This rule applies to an application by a charity or charity trustees of a charity for an order under section 324A (power to authorise costs to be incurred in relation to proceedings) of the Charities Act 2011 (“authorised costs order”).

(2) An applicant for an authorised costs order must start proceedings before the Tribunal by sending or delivering to the Tribunal an application which must include—

- (a) the name and address of the applicant;
- (b) the name and address of the applicant’s representative (if any);
- (c) an address where documents for the applicant may be sent or delivered;
- (d) the basis on which the applicant has standing to start proceedings before the Tribunal;
- (e) the name and address of any respondent and any other interested party in the proceedings to which the application relates;
- (f) details of the proceedings brought, or proposed to be brought, before the Tribunal to which the application relates;
- (g) the result the applicant is seeking;
- (h) the grounds on which the applicant relies;
- (i) whether the applicant wants the application to be determined at a hearing; and
- (j) any further information or documents required by a practice direction.

(1) [S.I. 2009/1976](#); relevant amending instrument is [S.I. 2012/500](#).

(2) [2011 c. 25](#). Section 324A will be inserted by section 36 of the Charities Act 2022 (c. 6) when brought into force.

(3) The applicant must send or deliver a copy of the application (but need not send the further information or documents referred to in paragraph (2)(j)) to the respondent and any other interested party in the proceedings to which the application relates at the same time as it provides the application to the Tribunal.

(4) In this rule, references to “charity” and “charity trustees” have the meanings given by the Charities Act 2011.”.

(5) In rule 26(4) (notice of appeal) for “Schedule 1D of the Charities Act 1993” substitute “section 325 or 326 of the Charities Act 2011”.

(6) In rule 31 (involvement of the Attorney General under section 2D of the Charities Act 1993)—

(a) in the heading, for “section 2D of the Charities Act 1993” substitute “section 318 of the Charities Act 2011”;

(b) in paragraph (1), for “section 2D(2) and (3) of the Charities Act 1993” substitute “section 318(2) and (3) of the Charities Act 2011”;

(c) in paragraph (3), for “section 2D(4)(b) of the Charities Act 1993” substitute “section 318(4)(b) of the Charities Act 2011”; and

(d) in paragraph (4), for “section 2D(4) of the Charities Act 1993” substitute “section 318(4) of the Charities Act 2011”.

(7) In rule 32 (decision with or without a hearing)—

(a) in paragraph (1), after the word “paragraphs” insert “(1A),”;

(b) after paragraph (1), insert—

“(1A) The Tribunal may dispose of an application under rule 25A (application for an authorised costs order) without a hearing if the Tribunal is satisfied that it can properly determine the issues without a hearing.”.

(8) In rule 42 (application for permission to appeal) after paragraph (2A) insert—

“(2B) The Tribunal may direct that the 28 days within which a party may send or deliver to the Tribunal an application for permission to appeal against a decision that disposes of an application under rule 25A (application for an authorised costs order) shall run from the date of the decision that disposes of all issues in the proceedings brought, or proposed to be brought, before the Tribunal to which the application under rule 25A relates.”.