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STATUTORY INSTRUMENTS

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**2022 No. 1030**

**The Tribunal Procedure (Amendment No. 2) Rules 2022**

**Amendments to the Tribunal Procedure (Upper Tribunal) Rules 2008**

5.—(1) The Tribunal Procedure (Upper Tribunal) Rules 2008(1) are amended as follows.

(2) After Rule 20A (procedure for applying for a stay of a decision pending an appeal) insert—

**“Application for an authorised costs order**

**20B.**—(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 Upper Tribunal by sending or delivering to the Upper 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 name and address of any respondent and any other interested party in the proceedings to which the application relates;
- (e) details of the proceedings brought, or proposed to be brought, before the Upper Tribunal to which the application relates with details (including the full reference) of the decision challenged;
- (f) a copy of any authorised costs order or refusal of any authorised costs order made by the First-tier Tribunal;
- (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.

(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 Upper Tribunal.

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

(3) In rule 26A(2) (cases transferred or referred to the Upper Tribunal, applications made directly to the Upper Tribunal, cases where an offence has been certified and proceedings without notice to a respondent), in subparagraph (aa) for “Schedule 1D of the Charities Act 1993” substitute “section 325 or 326 of the Charities Act 2011”.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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