

This Statutory Instrument has been made in part to correct errors in S.I. 2023/327 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2023 No. 1280

TRIBUNALS AND INQUIRIES

The Tribunal Procedure (Amendment No. 2) Rules 2023

<i>Made</i> - - - -	<i>28th November 2023</i>
<i>Laid before Parliament</i>	<i>4th December 2023</i>
<i>Coming into force</i> - -	<i>25th December 2023</i>

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 these Rules in accordance with paragraph 28(3) of Schedule 5 to the Tribunals, Courts and Enforcement Act 2007.

Citation and commencement

1. These Rules may be cited as the Tribunal Procedure (Amendment No. 2) Rules 2023 and come into force on 25th December 2023.

Amendments to the Tribunal Procedure (First-tier Tribunal) (War Pensions and Armed Forces Compensation Chamber) Rules 2008

2.—(1) The Tribunal Procedure (First-tier Tribunal) (War Pensions and Armed Forces Compensation Chamber) Rules 2008(b) are amended as follows.

(2) In rule 6(3A) (procedure for applying for and giving directions) for “within 7 days” substitute “within the period of 7 days beginning with the day that a copy of the application is received”.

(3) In rule 21(2) (notice of appeal) for “decision maker” substitute “Tribunal”.

Amendments to the Tribunal Procedure (Upper Tribunal) Rules 2008

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

(2) In rule 22(1) (decision in relation to permission to appeal) omit the words from “except where” to “applies”.

(a) 2007 c. 15. There are amendments to the Act but none is relevant to this instrument.

(b) S.I. 2008/2686; relevant amending instrument is S.I. 2023/327.

(c) S.I. 2008/2698; relevant amending instruments are S.I. 2010/44, 2013/477 and 2014/2128.

(3) Omit rule 22A (special procedure for providing notice of a refusal of permission to appeal in an asylum case).

(4) In rule 40(2) (decisions) omit “or rule 22A” and the first set of words in parenthesis after it.

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

4.—(1) The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013(a) are amended as follows.

(2) In rule 13(1ZA) (orders for costs, reimbursement of fees and interest on costs)—

(a) before sub-paragraph (a) insert—

“(za) Part 1 of the Landlord and Tenant Act 1954(b) (security of tenure for residential tenants);”;

(b) for sub-paragraph (a) substitute—

“(a) Part 4 (registration of rents under regulated tenancies) or Part 5 (rents under restricted contracts) of the Rent Act 1977(c);”;

(c) at the end of sub-paragraph (b) insert “; or”;

(d) after sub-paragraph (b) insert—

“(c) paragraph 6(2) or 10(2) of Schedule 10 to the Local Government and Housing Act 1989(d) (security of tenure on ending of long residential tenancies).”.

Amendments to the Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014

5.—(1) The Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014(e) are amended as follows.

(2) For rule 19(3D) (notice of appeal) substitute—

“(3D) Where this paragraph applies, the notice of appeal against the original decision must be received—

(a) if P is in the United Kingdom, within the period of 14 days beginning with the day—

(i) P is sent the notice of the decision on administrative review, or

(ii) P sends a notice of withdrawal of administrative review to the Secretary of State, where P has not been sent a notice of the decision on administrative review;

(b) if P is outside the United Kingdom, within the period of 28 days beginning with the day—

(i) P is sent the notice of the decision on administrative review, or

(a) S.I. 2013/1169; relevant amending instrument is S.I. 2022/1030.

(b) 1954 c. 56.

(c) 1977 c. 42. This Act is amended by the Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036), which under article 2(1) transfers the functions of rent assessment committees for areas in England to the First-tier Tribunal or, where determined by or under tribunal procedure rules in any particular case, the Upper Tribunal.

(d) 1989 c. 42. This Act is amended by the Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036), which under article 2(1) transfers the functions of rent assessment committees for areas in England to the First-tier Tribunal or, where determined by or under tribunal procedure rules in any particular case, the Upper Tribunal.

(e) S.I. 2014/2604; relevant amending instrument is S.I. 2020/61.

- (ii) P sends a notice of withdrawal of administrative review to the Secretary of State, where P has not been sent a notice of the decision on administrative review.”.

Amendments to the Tribunal Procedure (Amendment) Rules 2023

6.—(1) The Tribunal Procedure (Amendment) Rules 2023(a) are amended as follows.

(2) In rule 4(4) (amending rule 22(2) (lapse of cases) of the Tribunal Procedure (First-tier Tribunal) (War Pensions and Armed Forces Compensation Chamber) Rules 2008 with effect from 6th April 2023), in sub-paragraph (b) after “paragraph (2)” insert “in the second place in which it appears”.

We make these Rules

Mark Loveday
Donald W Ferguson
Susan Humble
Stephen Smith
Joanna Smith
Jeremy Rintoul
Gabriella Bettiga
Michael Reed
Philip Brook Smith
TPC Members

25th November 2023

I allow these Rules

Bellamy
Parliamentary Under Secretary of State
Ministry of Justice

28th November 2023

(a) S.I. 2023/327.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the tribunal procedure rules that apply in some of the chambers of the First-tier Tribunal and the Upper Tribunal.

Rule 2 amends the Tribunal Procedure (First-tier Tribunal) (War Pensions and Armed Forces Compensation Chamber) Rules 2008 (S.I. 2008/2686) (“WPAFCC Rules”) to clarify the period within which a party in receipt of a copy of an application for directions may make representations to the Tribunal, and to correct a missed consequential amendment to rule 21 (notice of appeal), following amendments made to this rule by the Tribunal Procedure (Amendment) Rules 2023 (S.I. 2023/327) (“2023 Amendment Rules”), to allow appeals to this chamber to be lodged directly with the Tribunal.

Rule 3 amends the Tribunal Procedure (Upper Tribunal) Rules 2008 (S.I. 2008/2698) (“Upper Tribunal Rules”) to omit rule 22A (special procedure for providing notice of a refusal of permission to appeal in an asylum case) to restore the requirement under rule 22 of those rules for the Upper Tribunal to serve a copy of its decision to refuse permission to appeal in an asylum case on the appellants. Rule 3 also makes consequential amendments to rules 22(1) (decision in relation to permission to appeal) and rule 40(2) (decisions) of the Upper Tribunal Rules to omit references to rule 22A in those rules.

Rule 4 amends rule 13(1ZA) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 (S.I. 2013/1169) to provide that the Tribunal’s power to make an order in respect of costs where a person has acted unreasonably in bringing, defending or conducting proceedings does not apply to proceedings brought under Part 1 of the Landlord and Tenant Act 1954 (c. 56) (security of tenure for residential tenants), Part 4 of the Rent Act 1977 (c. 42) (registration of rents under regulated tenancies) and paragraph 6(2) or 10(2) of Schedule 10 to the Local Government and Housing Act 1989 (c. 42) (security of tenure on ending of long residential tenancies). These are in addition to Part 5 of the Rent Act 1977 (rents under restricted contracts) and Part 1 of the Housing Act 1988 (c. 50) (assured tenancies, shorthold and non- shorthold) where this restriction already applies.

Rule 5 amends the Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014 (S.I. 2014/2604) to clarify the time limits that apply to an appeal against a decision of the Home Office in relation to the EU Settlement Scheme that is also subject to an administrative review, where a decision on administrative review has been made, or the application for an administrative review has been withdrawn prior to a decision on administrative review having been determined.

Rule 6 amends rule 4(4)(b) of the 2023 Amendment Rules, which amended rule 22(2) (lapse of cases) of the WPAFCC Rules to replace “decision maker” with “Tribunal”, to correct a minor drafting error. Rule 22(2) of the WPAFCC Rules contains two references to decision maker and rule 6 amends rule 4(4)(b) of the 2023 Amendment Rules to specify that only the second reference to “decision maker” is to be replaced.

No impact assessment has been carried out for these amendments as no, or no significant impact, on the private, voluntary, or public sectors is foreseen.

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