Changes to legislation: *Tribunals, Courts and Enforcement Act 2007, Part 3 is up to date with all changes known to be in force on or before 20 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCHEDULES

SCHEDULE 5

PROCEDURE IN FIRST-TIER TRIBUNAL AND UPPER TRIBUNAL

PART 3

MAKING OF TRIBUNAL PROCEDURE RULES BY TRIBUNAL PROCEDURE COMMITTEE

Modifications etc. (not altering text)

C1 Sch. 5 Pt. 3 applied (with modifications) (25.4.2024) by 1996 c. 17, **Sch. A1 para. 21** (as inserted by Judicial Review and Courts Act 2022 (c. 35), s. 51(4), **Sch. 5 para. 1**; S.I. 2024/568, **reg. 2(b)(i)**)

Meaning of "Rules" and "the Committee"

27 In the following provisions of this Part of this Schedule—

"the Committee" means the Tribunal Procedure Committee;

"Rules" means Tribunal Procedure Rules.

Process for making Rules

28 (1) Before the Committee makes Rules, the Committee must—

(a) consult such persons (including such of the Chamber Presidents) as it considers appropriate,

(b) consult the Lord President of the Court of Session if the Rules contain provision relating to proceedings in Scotland, and

(c) meet (unless it is inexpedient to do so).

(2) Rules made by the Committee must be—

(a) signed by a majority of the members of the Committee, and

(b) submitted to the Lord Chancellor.

(3) The Lord Chancellor may allow or disallow Rules so made.

(4) If the Lord Chancellor disallows Rules so made, he must give the Committee written reasons for doing so.

(5) Rules so made and allowed—

(a) come into force on such day as the Lord Chancellor directs, and

(b) are to be contained in a statutory instrument to which the Statutory Instruments Act 1946 (c. 36) applies as if the instrument contained rules made by a Minister of the Crown.

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(6) A statutory instrument containing Rules made by the Committee is subject to annulment in pursuance of a resolution of either House of Parliament.

(7) In the case of a member of the Committee appointed under paragraph 24, the terms of his appointment may (in particular) provide that, for the purposes of sub-paragraph (2)(a), he is to count as a member of the Committee only in relation to matters specified in those terms.

[F1 Delegation of functions to staff: reconsideration of decisions

Textual Amendments

F1 Sch. 5 para. 28A and cross-heading inserted (10.1.2020 for specified purposes, 6.4.2020 in so far as not already in force) by Courts and Tribunals (Judiciary and Functions of Staff) Act 2018 (c. 33), s. 4(3), **Sch. para. 45**; S.I. 2020/24, regs. 2(b)(iv), 3(b)

28A (1) Before making Rules that provide for the exercise of functions of the First-tier Tribunal or Upper Tribunal by authorised persons by virtue of paragraph 3, the Committee must take the following steps in relation to each of the functions in question.

(2) The Committee must consider whether the Rules should include a right for the parties to proceedings in which a decision is made by an authorised person exercising the function to have the decision reconsidered by a judicial office holder.

(3) If the Committee considers that the rules should include such a right, it must include provision to that effect when it makes the Rules.

(4) If the Committee does not consider that the rules should include such a right, it must inform the Lord Chancellor of—

(a) its decision, and

(b) its reasons for reaching that decision.

(5) In this paragraph "authorised person" and "judicial office holder" have the same meanings as in Chapter 2A of Part 1 of this Act (see section 29A).**]**

Power of Lord Chancellor to require Rules to be made

29 (1) This paragraph applies if the Lord Chancellor gives the Committee written notice that he thinks it is expedient for Rules to include provision that would achieve a purpose specified in the notice.

(2) The Committee must make such Rules, in accordance with paragraph 28, as it considers necessary to achieve the specified purpose.

(3) Those Rules must be made—

(a) within such period as may be specified by the Lord Chancellor in the notice, or

(b) if no period is so specified, within a reasonable period after the Lord Chancellor gives the notice to the Committee.

Changes to legislation:
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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13(8)(bza) inserted by 2022 c. 36 s. 23(2)
- s. 13(8)(bzb) inserted by 2022 c. 36 s. 24(9)
- s. 16(3)(a) word inserted by 2015 c. 2 s. 85(3)(a)
- s. 16(3)(b) and word inserted by 2015 c. 2 s. 85(3)(b)
- s. 16(3A)(3B) inserted by 2015 c. 2 s. 85(4)
- s. 22(6) inserted by 2022 c. 35 Sch. 4 para. 4(2)
- s. 23(8) inserted by 2022 c. 35 Sch. 4 para. 4(3)
- s. 25A inserted by 2022 c. 36 s. 80(1)
- s. 29(3A) inserted by 2022 c. 36 s. 81(6)
- Sch. 5 para. 11A and cross-heading inserted by 2022 c. 36 s. 80(2)
- Sch. 7 para. 6(1)(e) words substituted by 2013 c. 22 Sch. 14 para. 13(2) (Sch. 7 was already repealed when this amendment came into force)
- Sch. 7 para. 6(4)(b) words substituted by 2013 c. 22 Sch. 14 para. 13(2) (Sch. 7 was already repealed when this amendment came into force)