
STATUTORY INSTRUMENTS

2020 No. 416

**The Tribunal Procedure (Coronavirus)
(Amendment) Rules 2020**

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 5 (case management powers), insert—

“Coronavirus temporary rule (decisions without a hearing)

5A.—(1) Notwithstanding anything in rule 34 (decision with or without a hearing), the Upper Tribunal may make a decision which disposes of proceedings without a hearing if the Upper Tribunal considers that the conditions in paragraph (2) are satisfied.

(2) The conditions are—

- (a) the matter is urgent;
- (b) it is not reasonably practicable for there to be a hearing (including a hearing where the proceedings would be conducted wholly or partly as video proceedings or audio proceedings); and
- (c) it is in the interests of justice to do so.

(3) This rule does not prejudice any power of the Upper Tribunal to make a decision which disposes of proceedings without a hearing other than under this rule.”.

(3) In rule 37 (public and private hearings), after paragraph (2), insert—

“(2ZA) Without prejudice to paragraph (2), the Upper Tribunal may direct that a hearing, or part of it, is to be held in private if—

- (a) the Upper Tribunal directs that the proceedings are to be conducted wholly or partly as video proceedings or audio proceedings;
- (b) it is not reasonably practicable for such a hearing, or such part, to be accessed in a court or tribunal venue by persons who are not parties entitled to participate in the hearing;
- (c) a media representative is not able to access the proceedings remotely while they are taking place; and
- (d) such a direction is necessary to secure the proper administration of justice.”.

(4) After rule 37 (public and private hearings), insert—

“Coronavirus temporary rule (recording of remote hearings)

37A.—(1) In the circumstances set out in paragraph (3), the Upper Tribunal must direct that the hearing be recorded, if practicable.

(2) Where the Upper Tribunal has made a direction under paragraph (1), it may direct the manner in which the hearing must be recorded.

- (3) The circumstances referred to in paragraph (1) are that the hearing, or part of it, is—
- (a) held in private under rule 37(2ZA); or
 - (b) only treated as held in public by virtue of a media representative being able to access the proceedings remotely while they are taking place.”.