
STATUTORY INSTRUMENTS

2008 No. 2685

The Tribunal Procedure (First-tier Tribunal) (Social Entitlement Chamber) Rules 2008

PART 1

Introduction

Citation, commencement, application and interpretation

1.—(1) These Rules may be cited as the Tribunal Procedure (First-tier Tribunal) (Social Entitlement Chamber) Rules 2008 and come into force on 3rd November 2008.

[^{F1}(2) These Rules apply to proceedings before the Social Entitlement Chamber of the First-tier Tribunal.]

(3) In these Rules—

“the 2007 Act” means the Tribunals, Courts and Enforcement Act 2007;

“appeal” includes an application under section 19(9) of the Tax Credits Act 2002 ^{M1};

“appellant” means a person who makes an appeal to the Tribunal, or a person substituted as an appellant under rule 9(1) (substitution of parties);

“asylum support case” means proceedings concerning the provision of support for an asylum seeker [^{F2}, a failed asylum seeker or a person designated under section 130 of the Criminal Justice and Immigration Act 2008 (designation), or the dependants of any such person];

“criminal injuries compensation case” means proceedings concerning the payment of compensation under a scheme made under the Criminal Injuries Compensation Act 1995 ^{M2} [^{F3} or section 47 of the Crime and Security Act 2010];

“decision maker” means the maker of a decision against which an appeal has been brought;

“dispose of proceedings” includes, unless indicated otherwise, disposing of a part of the proceedings;

“document” means anything in which information is recorded in any form, and an obligation under these Rules to provide or allow access to a document or a copy of a document for any purpose means, unless the Tribunal directs otherwise, an obligation to provide or allow access to such document or copy in a legible form or in a form which can be readily made into a legible form;

“hearing” means an oral hearing and includes a hearing conducted in whole or in part by video link, telephone or other means of instantaneous two-way electronic communication;

“legal representative” means [^{F4}a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the exercise of a right of audience or the conduct of litigation within the meaning of that Act], an advocate or solicitor in Scotland or a barrister or solicitor in Northern Ireland;

“party” means—

- (a) a person who is an appellant or respondent in proceedings before the Tribunal;
- (b) a person who makes a reference to the Tribunal under section 28D of the Child Support Act 1991 ^{M3};
- (c) a person who starts proceedings before the Tribunal under paragraph 3 of Schedule 2 to the Tax Credits Act 2002; or
- (d) if the proceedings have been concluded, a person who was a party under paragraph (a), (b) or (c) when the Tribunal finally disposed of all issues in the proceedings;

“practice direction” means a direction given under section 23 of the 2007 Act;

“respondent” means—

- (a) in an appeal against a decision, the decision maker and any person other than the appellant who had a right of appeal against the decision;
- (b) in a reference under section 28D of the Child Support Act 1991—
 - (i) the absent parent or non-resident parent;
 - (ii) the person with care; and
 - (iii) in Scotland, the child if the child made the application for a departure direction or a variation;
- (c) in proceedings under paragraph 3 of Schedule 2 to the Tax Credits Act 2002, a person on whom it is proposed that a penalty be imposed; ^{F5}...
- (cc) [^{F6}an affected party within the meaning of section 61(5) of the Childcare Payments Act 2014, other than an appellant; or]
- (d) a person substituted or added as a respondent under rule 9 (substitution and addition of parties);

^{F7} ...

“social security and child support case” means any case allocated to the Social Entitlement Chamber [^{F8}of the First-tier Tribunal] except an asylum support case or a criminal injuries compensation case;

“Tribunal” means the First-tier Tribunal.

Textual Amendments

- F1** Rule 1(2) substituted (29.11.2010) by The Tribunal Procedure (Amendment No. 3) Rules 2010 (S.I. 2010/2653), rules 1, **5(2)**
- F2** Words in rule 1(3) substituted (1.4.2009) by Tribunal Procedure (Amendment) Rules 2009 (S.I. 2009/274), rules 1, **2**
- F3** Words in rule 1(3) inserted (8.4.2013) by The Tribunal Procedure (Amendment) Rules 2013 (S.I. 2013/477), rules 1(2)(c), **23**
- F4** Words in rule 1(3) substituted (18.1.2010) by The Tribunal Procedure (Amendment) Rules 2010 (No. 43), rules **1, 3**
- F5** Word in rule 1(3) omitted (21.8.2015) by S.I. 2015/1510, rules 1, **12**
- F6** Words in rule 1(3) inserted (21.8.2015) by S.I. 2015/1510, rules 1, **12**
- F7** Words in rule 1(3) omitted (1.4.2011) by virtue of The Tribunal Procedure (Amendment) Rules 2011 (S.I. 2011/651), rules 1(2)(a), **4(2)(a)**
- F8** Words in rule 1(3) inserted (1.4.2011) by The Tribunal Procedure (Amendment) Rules 2011 (S.I. 2011/651), rules 1(2)(a), **4(2)(b)**

Marginal Citations

- M1** 2002 c.21.
M2 1995 c.53.
M3 1991 c.48. Section 28D was inserted by section 4 of the [Child Support Act 1995 \(c.34\)](#).

Overriding objective and parties' obligation to co-operate with the Tribunal

2.—(1) The overriding objective of these Rules is to enable the Tribunal to deal with cases fairly and justly.

(2) Dealing with a case fairly and justly includes—

- (a) dealing with the case in ways which are proportionate to the importance of the case, the complexity of the issues, the anticipated costs and the resources of the parties;
- (b) avoiding unnecessary formality and seeking flexibility in the proceedings;
- (c) ensuring, so far as practicable, that the parties are able to participate fully in the proceedings;
- (d) using any special expertise of the Tribunal effectively; and
- (e) avoiding delay, so far as compatible with proper consideration of the issues.

(3) The Tribunal must seek to give effect to the overriding objective when it—

- (a) exercises any power under these Rules; or
- (b) interprets any rule or practice direction.

(4) Parties must—

- (a) help the Tribunal to further the overriding objective; and
- (b) co-operate with the Tribunal generally.

Alternative dispute resolution and arbitration

3.—(1) The Tribunal should seek, where appropriate—

- (a) to bring to the attention of the parties the availability of any appropriate alternative procedure for the resolution of the dispute; and
- (b) if the parties wish and provided that it is compatible with the overriding objective, to facilitate the use of the procedure.

(2) Part 1 of the Arbitration Act 1996^{M4} does not apply to proceedings before the Tribunal.

Marginal Citations

- M4** 1996 c.23.

Changes to legislation:

There are currently no known outstanding effects for the The Tribunal Procedure (First-tier Tribunal) (Social Entitlement Chamber) Rules 2008, PART 1.