
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.

(2) These Rules apply to proceedings before the Tribunal which have been assigned to the Social Entitlement Chamber by the First-tier Tribunal and Upper Tribunal (Chambers) Order 2008⁽¹⁾.

(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⁽²⁾;

“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 or his or her dependants;

“criminal injuries compensation case” means proceedings concerning the payment of compensation under a scheme made under the Criminal Injuries Compensation Act 1995⁽³⁾;

“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 an authorised advocate or authorised litigator as defined by section 119(1) of the Courts and Legal Services Act 1990⁽⁴⁾, an advocate or solicitor in Scotland or a barrister or solicitor in Northern Ireland;

(1) S.I. 2008/2684.

(2) 2002 c.21.

(3) 1995 c.53.

(4) 1990 c.41.

“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⁽⁵⁾;
- (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; or
- (d) a person substituted or added as a respondent under rule 9 (substitution and addition of parties);

“Social Entitlement Chamber” means the Social Entitlement Chamber of the First-tier Tribunal established by the First-tier Tribunal and Upper Tribunal (Chambers) Order 2008;

“social security and child support case” means any case allocated to the Social Entitlement Chamber except an asylum support case or a criminal injuries compensation case;

“Tribunal” means the First-tier Tribunal.

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.

(5) 1991 c.48. Section 28D was inserted by section 4 of the [Child Support Act 1995 \(c.34\)](#).

- (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⁽⁶⁾ does not apply to proceedings before the Tribunal.

⁽⁶⁾ 1996 c.23.