
STATUTORY INSTRUMENTS

2008 No. 2685

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

PART 3

Proceedings before the Tribunal

CHAPTER 2

Hearings

Decision with or without a hearing

27.—(1) Subject to the following paragraphs, the Tribunal must hold a hearing before making a decision which disposes of proceedings unless—

- (a) each party has consented to, or has not objected to, the matter being decided without a hearing; and
- (b) the Tribunal considers that it is able to decide the matter without a hearing.

(2) This rule does not apply to decisions under Part 4.

(3) The Tribunal may in any event dispose of proceedings without a hearing under rule 8 (striking out a party's case).

(4) In a criminal injuries compensation case—

- (a) the Tribunal may make a decision which disposes of proceedings without a hearing; and
- (b) subject to paragraph (5), if the Tribunal makes a decision which disposes of proceedings without a hearing, any party may make a written application to the Tribunal for the decision to be reconsidered at a hearing.

(5) An application under paragraph (4)(b) may not be made in relation to a decision—

- (a) not to extend a time limit;
- (b) not to set aside a previous decision;
- (c) not to allow an appeal against a decision not to extend a time limit; or
- (d) not to allow an appeal against a decision not to reopen a case.

(6) An application under paragraph (4)(b) must be received within 1 month after the date on which the Tribunal sent notice of the decision to the party making the application.

Entitlement to attend a hearing

28. Subject to rule 30(5) (exclusion of a person from a hearing), each party to proceedings is entitled to attend a hearing.

Notice of hearings

29.—(1) The Tribunal must give each party entitled to attend a hearing reasonable notice of the time and place of the hearing (including any adjourned or postponed hearing) and any changes to the time and place of the hearing.

- (2) The period of notice under paragraph (1) must be at least 14 days except that—
 - (a) in an asylum support case the Tribunal must give at least 1 day’s and not more than 5 days’ notice; and
 - (b) the Tribunal may give shorter notice—
 - (i) with the parties’ consent; or
 - (ii) in urgent or exceptional circumstances.

Public and private hearings

30.—(1) Subject to the following paragraphs, all hearings must be held in public.

- (2) A hearing in a criminal injuries compensation case must be held in private unless—
 - (a) the appellant has consented to the hearing being held in public; and
 - (b) the Tribunal considers that it is in the interests of justice for the hearing to be held in public.
- (3) The Tribunal may give a direction that a hearing, or part of it, is to be held in private.
- (4) Where a hearing, or part of it, is to be held in private, the Tribunal may determine who is permitted to attend the hearing or part of it.
- (5) The Tribunal may give a direction excluding from any hearing, or part of it—
 - (a) any person whose conduct the Tribunal considers is disrupting or is likely to disrupt the hearing;
 - (b) any person whose presence the Tribunal considers is likely to prevent another person from giving evidence or making submissions freely;
 - (c) any person who the Tribunal considers should be excluded in order to give effect to a direction under rule 14(2) (withholding information likely to cause harm); or
 - (d) any person where the purpose of the hearing would be defeated by the attendance of that person.
- (6) The Tribunal may give a direction excluding a witness from a hearing until that witness gives evidence.

Hearings in a party’s absence

- 31.** If a party fails to attend a hearing the Tribunal may proceed with the hearing if the Tribunal—
- (a) is satisfied that the party has been notified of the hearing or that reasonable steps have been taken to notify the party of the hearing; and
 - (b) considers that it is in the interests of justice to proceed with the hearing.