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STATUTORY INSTRUMENTS

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**2008 No. 2686**

**The Tribunal Procedure (First-tier Tribunal) (War Pensions  
and Armed Forces Compensation 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) (War Pensions and Armed Forces Compensation Chamber) Rules 2008 and come into force on 3rd November 2008.

[<sup>F1</sup>(2) These Rules apply to proceedings before the War Pensions and Armed Forces Compensation Chamber of the First-tier Tribunal.]

(3) In these Rules—

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

“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);

“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 [<sup>F2</sup>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];

“party” means a person who is an appellant or respondent in proceedings before the Tribunal or, if the proceedings have been concluded, a person who was an appellant or respondent 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; or
- (b) a person substituted or added as a respondent under rule 9 (substitution and addition of parties);

“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, 7\(2\)](#)
- F2** Words in rule 1(3) substituted (18.1.2010) by [The Tribunal Procedure \(Amendment\) Rules 2010 \(S.I. 2010/43\)](#), [rules 1, 4](#)

### 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<sup>M1</sup> does not apply to proceedings before the Tribunal.

#### Marginal Citations

- M1** 1996 c.23.

**Changes to legislation:**

There are currently no known outstanding effects for the The Tribunal Procedure (First-tier Tribunal) (War Pensions and Armed Forces Compensation Chamber) Rules 2008, PART 1.