

STATUTORY INSTRUMENTS

2008 No. 2698

The Tribunal Procedure (Upper Tribunal) Rules 2008

PART 3

[^{F1}Procedure for cases in] the Upper Tribunal

[^{F1}Cases transferred or referred to the Upper Tribunal, applications made directly to the Upper Tribunal [^{F2}, cases where an offence has been certified] and proceedings without notice to a respondent

26A.—[^{F3}(1) Paragraphs (2) and (3) apply to—

- (a) a case transferred or referred to the Upper Tribunal from the First-tier Tribunal; ^{F4}...
- (b) a case, other than an appeal or a case to which rule 26 (references under the Forfeiture Act 1982) applies, which is started by an application made directly to the Upper Tribunal [^{F5}; or]]

[a case where an offence has been certified to the Upper Tribunal.]

^{F6}(c)

(2) In a case to which this paragraph applies—

- (a) the Upper Tribunal must give directions as to the procedure to be followed in the consideration and disposal of the proceedings; ^{F7}...

[in a reference under [^{F9}section 325 or 326 of the Charities Act 2011], the Upper Tribunal ^{F8}(aa) may give directions providing for an application to join the proceedings as a party and the time within which it may be made; and]

- (b) the preceding rules in this Part will only apply to the proceedings to the extent provided for by such directions.

(3) If a case or matter to which this paragraph applies is to be determined without notice to or the involvement of a respondent—

- (a) any provision in these Rules requiring a document to be provided by or to a respondent; and
- (b) any other provision in these Rules permitting a respondent to participate in the proceedings

does not apply to that case or matter.]

[^{F10}(4) Schedule 2 makes further provision for national security certificate appeals transferred to the Upper Tribunal.]

Textual Amendments

- F1** Rule 26A inserted (1.4.2009) by [Tribunal Procedure \(Amendment\) Rules 2009 \(S.I. 2009/274\)](#), rules 1, 16
- F2** Words in [rule 26A](#) heading inserted (3.6.2019) by [The Tribunal Procedure \(Amendment\) Rules 2019 \(S.I. 2019/925\)](#), rules 1(2), **2(5)(a)** (with [rule 6](#))

Changes to legislation: *The Tribunal Procedure (Upper Tribunal) Rules 2008, Section 26A is up to date with all changes known to be in force on or before 18 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- F3** Rule 26A(1) substituted (1.9.2009) by [The Tribunal Procedure \(Amendment No. 2\) Rules 2009 \(S.I. 2009/1975\)](#), rules 1, **19**
- F4** Word in rule 26A(1)(a) omitted (3.6.2019) by virtue of [The Tribunal Procedure \(Amendment\) Rules 2019 \(S.I. 2019/925\)](#), rules 1(2), **2(5)(b)(i)** (with rule 6)
- F5** Word in rule 26A(1)(b) substituted for full stop (3.6.2019) by [The Tribunal Procedure \(Amendment\) Rules 2019 \(S.I. 2019/925\)](#), rules 1(2), **2(5)(b)(ii)** (with rule 6)
- F6** Rule 26A(1)(c) inserted (3.6.2019) by [The Tribunal Procedure \(Amendment\) Rules 2019 \(S.I. 2019/925\)](#), rules 1(2), **2(5)(b)(iii)** (with rule 6)
- F7** Word in rule 26A(2)(a) omitted (6.4.2012) by virtue of [The Tribunal Procedure \(Amendment\) Rules 2012 \(S.I. 2012/500\)](#), rules 1(2), **5(2)(a)**
- F8** Rule 26A(2)(aa) inserted (6.4.2012) by [The Tribunal Procedure \(Amendment\) Rules 2012 \(S.I. 2012/500\)](#), rules 1(2), **5(2)(b)**
- F9** Words in rule 26A(2)(aa) substituted (1.11.2022) by [The Tribunal Procedure \(Amendment No. 2\) Rules 2022 \(S.I. 2022/1030\)](#), rules 1, **5(3)**
- F10** Rule 26A(4) inserted (18.1.2010) by [The Tribunal Procedure \(Amendment\) Rules 2010 \(S.I. 2010/43\)](#), rules 1, **10**

Changes to legislation:

The Tribunal Procedure (Upper Tribunal) Rules 2008, Section 26A is up to date with all changes known to be in force on or before 18 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 5 inserted by [S.I. 2024/588 rule 2\(5\)](#)
- rule 1(2A) inserted by [S.I. 2024/588 rule 2\(2\)\(a\)](#)
- rule 26D inserted by [S.I. 2024/588 rule 2\(4\)](#)