
STATUTORY INSTRUMENTS

2013 No. 477 (L. 2)

TRIBUNALS AND INQUIRIES

The Tribunal Procedure (Amendment) Rules 2013

Made - - - - *5th March 2013*

Laid before Parliament *6th March 2013*

Coming into force in accordance with rule 1(2)

The Tribunal Procedure Committee has made the following Rules in exercise of the powers conferred by section 20(2) of the Social Security Act 1998 ^{F1} and sections 22 and 29 of, and Schedule 5 to, the Tribunals, Courts and Enforcement Act 2007 ^{F2}, having consulted in accordance with paragraph 28(1) of that Schedule to that Act.

The Lord Chancellor has allowed the Rules in accordance with paragraph 28(3) of that Schedule to that Act

- F1** [1998 c. 14](#). Section 20(2) has been amended by section 62 of the [Welfare Reform Act 2007 \(c. 5\)](#) and by paragraph 157 of Schedule 3 to the Transfer of Tribunal Functions Order 2008, [S.I. 2008/2833](#).
- F2** [2007 c. 15](#)

Citation and commencement

- 1.—(1) These Rules may be cited as the Tribunal Procedure (Amendment) Rules 2013.
- (2) They come into force—
- (a) for the purposes of the amendments made by rules 22 to 32 (except for rule 27), on 8th April 2013;
 - (b) for the purposes of the amendments made by rule 27, on 1st October 2014; and
 - (c) for all other purposes, on 1st April 2013.

Amendments to the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009

2. The Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009 ^{F3} are amended as follows.

- F3** [S.I. 2009/1976](#), as amended by [S.I. 2010/43](#), 2010/2653, 2011/651 and 2012/500.

3. In rule 10(1) (circumstances in which Tribunal may award costs), in sub-paragraph (a), after “(wasted costs)” insert “ and costs incurred in applying for such costs ”.

4. In rule 10(4) (time limits on seeking orders for costs) for “sends to the person making the application the decision notice recording the decision which finally disposes of all issues in the proceedings” substitute—

“sends—

- (a) a decision notice recording the decision which finally disposes of all issues in the proceedings; or
- (b) notice under rule 17(5) that a withdrawal which ends the proceedings has taken effect”.

5. In rule 10(6)(c) (detailed assessment), after “costs or expenses” insert “ , including the costs or expenses of the assessment, ”.

6. In rule 10, after paragraph (7) insert—

“(8) Upon making an order for the assessment of costs, the Tribunal may order an amount to be paid on account before the costs or expenses are assessed.”

7. In rule 17 (withdrawal)—

- (a) in paragraph (1)(a), omit “at any time before a hearing to consider the disposal of the proceedings (or, if the Tribunal disposes of the proceedings without a hearing, before that disposal),”;
- (b) in paragraph (5), for “of a withdrawal” substitute “ that a withdrawal has taken effect ”.

8. In rule 38 (decisions), in paragraph (2), for “a decision which disposes of all issues in the proceedings (except a decision under Part 4)” substitute “ a decision (other than a decision under Part 4) which finally disposes of all issues in the proceedings or of a preliminary issue dealt with following a direction under rule 5(3)(e) ”.

9. In rule 42 (application for permission to appeal)—

- (a) before sub-paragraph (a) of paragraph (2), insert—

“(za) the relevant decision notice;”;

- (b) in sub-paragraph (a) of paragraph (2), at the end, insert—

“(a) , if the decision disposes of—

(i) all issues in the proceedings; or

(ii) subject to paragraph (2A), a preliminary issue dealt with following a direction under rule 5(3)(e);”;

- (c) after paragraph (2), insert—

“(2A) The Tribunal may direct that the 28 days within which a party may send or deliver to the Tribunal an application for permission to appeal against a decision that disposes of a preliminary issue shall run from the date of the decision that disposes of all issues in the proceedings.”.

Amendments to the Tribunal Procedure (First-tier Tribunal) (Health, Education and Social Care Chamber) Rules 2008

10. The Tribunal Procedure (First-tier Tribunal) (Health, Education and Social Care Chamber) Rules 2008 ^{F4} are amended as follows.

F4 [S.I. 2008/2699](#), as amended by [S.I. 2009/1975](#), 2010/43, 2010/2653, 2011/651, 2012/500 and 2012/1363.

11. In rule 1(3) (interpretation)—

(a) in the definition of “respondent”—

(i) in sub-paragraph (db)(i), for “a Primary Care Trust” substitute “ the National Health Service Commissioning Board ”; and

(ii) in sub-paragraph (db)(ii), for “the Primary Care Trust” substitute “ the National Health Service Commissioning Board ”;

(b) in the definition of “responsible authority”, omit sub-paragraph (d).

12. In rule 10(1) (circumstances in which Tribunal may award costs), in sub-paragraph (a), after “(wasted costs)” insert “ and costs incurred in applying for such costs ”.

13. In rule 10(5) (time limits on seeking orders for costs) for “sends the decision notice recording the decision which finally disposes of all issues in the proceedings” substitute—

“sends—

(a) a decision notice recording the decision which finally disposes of all issues in the proceedings; or

(b) notice under rule 17(6) that a withdrawal which ends the proceedings has taken effect”.

14. In rule 10(7)(c) (detailed assessment), after “costs” insert “ , including the costs of the assessment, ”.

15. In rule 10, after paragraph (8), insert—

“(9) Upon making an order for the assessment of costs, the Tribunal may order an amount to be paid on account before the costs or expenses are assessed.”

16. In rule 11(8) (persons who may not be representatives in a mental health case), in sub-paragraph (a), omit “or after-care under supervision”.

17. In rule 17 (withdrawal)—

(a) in paragraph (1)(a), omit “at any time before a hearing to consider the disposal of the proceedings (or, if the Tribunal disposes of the proceedings without a hearing, before that disposal),”;

(b) in paragraph (6), for “of a withdrawal” substitute “ that a withdrawal has taken effect ”.

18. In rule 30 (decisions), in paragraph (2), for “a decision which disposes of all issues in the proceedings (except a decision under Part 5)” substitute “ a decision (other than a decision under Part 5) which finally disposes of all issues in the proceedings or of a preliminary issue dealt with following a direction under rule 5(3)(e) ”.

19. In rule 33 (notice of proceedings to interested persons), omit paragraph (d) except for “and” at the end of that paragraph.

20. In rule 41 (decisions: mental health cases), in paragraph (2), for “a decision which finally disposes of all issues in the proceedings (except a decision under Part 5)” substitute “ a decision (except a decision under Part 5) which finally disposes of all issues in the proceedings or of a preliminary issue dealt with following a direction under rule 5(3)(e) ”.

21. In rule 46 (application for permission to appeal)—

(a) before sub-paragraph (a) of paragraph (2), insert—

“(za) the relevant decision notice;”;

(b) in sub-paragraph (a) of paragraph (2), at the end, insert—

“(a) , if the decision disposes of—

(i) all issues in the proceedings; or

(ii) subject to paragraph (2A), a preliminary issue dealt with following a direction under rule 5(3)(e);”;

(c) after paragraph (2), insert—

“(2A) The Tribunal may direct that the 28 days within which a party may send or deliver to the Tribunal an application for permission to appeal against a decision that disposes of a preliminary issue shall run from the date of the decision that disposes of all issues in the proceedings.”.

Amendments to the Tribunal Procedure (First-tier Tribunal) (Social Entitlement Chamber) Rules 2008

22. The Tribunal Procedure (First-tier Tribunal) (Social Entitlement Chamber) Rules 2008 ^{F5} are amended as follows.

F5 [S.I. 2008/2685](#) has been amended by [S.I. 2009/274](#), 2009/1975, 2010/43, 2010/2653, 2011/651, 2012/500, 2012/2007 and 2012/2785.

23. In rule 1(3) (interpretation), in the definition of “criminal injuries compensation case”, after “1995” insert “ or section 47 of the Crime and Security Act 2010 ^{F6} ”.

F6 [2010 c. 17](#)

24. In rule 17 (withdrawal)—

- (a) in paragraph (1)(a), omit “at any time before a hearing to consider the disposal of the proceedings (or, if the Tribunal disposes of the proceedings without a hearing, before that disposal),”;
- (b) in paragraph (3)(a), omit “under paragraph (1)(a)”;
- (c) for paragraph (3)(b) and the preceding “, or”, substitute—
 - “(b) in a social security and child support case where the Tribunal has directed that notice of withdrawal shall take effect only with the Tribunal's consent; or
 - (c) at a hearing.”;
- (d) in paragraph (6), for “of an withdrawal” substitute “ that a withdrawal has taken effect. ”

25. In rule 22 (cases in which the notice of appeal is to be sent to the Tribunal)—

- (a) for paragraph (1) substitute—
 - “(1) This rule applies to all cases except those to which—
 - (a) rule 23 (cases in which the notice of appeal is to be sent to the decision maker), or
 - (b) rule 26 (social security and child support cases started by reference or information in writing),applies.”;
- (b) in paragraph (2) after sub-paragraph (b), insert a semi-colon and the following—
 - “(c) in appeals under the Vaccine Damage Payments Act 1979 ^{F7}, at any time;
 - (d) in other cases—
 - (i) if mandatory reconsideration applies, within 1 month after the date on which the appellant was sent notice of the result of mandatory reconsideration;
 - (ii) if mandatory reconsideration does not apply, within the time specified in Schedule 1 to these Rules (time specified for providing notices of appeal)”;
- (c) in paragraph (3)—
 - (i) in sub-paragraph (d), after “respondent” insert “ other than the decision maker ”, and
 - (ii) omit sub-paragraph (e), except for “: and”;
- (d) in paragraph (4)—
 - (i) for sub-paragraph (a), substitute—
 - “(a) a copy of—
 - (i) the notice of the result of mandatory reconsideration, in any social security and child support case to which mandatory reconsideration applies;
 - (ii) the decision being challenged, in any other case.”;
 - (ii) in sub-paragraph (b), for “or can reasonably obtain” substitute “ ; and ”;
 - (iii) at the end of sub-paragraph (c), omit “; and”;
 - (iv) omit sub-paragraph (d);
 - (e) in paragraph (6)(b), at the beginning, insert “ subject to paragraph (8) ”;
 - (f) in paragraph (7)(b), for “criminal injuries compensation cases” substitute “ all other ”;
 - (g) after paragraph (7), insert—
 - “(8) Where an appeal in a social security and child support case is not made within the time specified in paragraph (2)—

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Changes to legislation: There are currently no known outstanding effects for the The Tribunal Procedure (Amendment) Rules 2013. (See end of Document for details)

- (a) it will be treated as having been made in time, unless the Tribunal directs otherwise, if it is made within not more than 12 months of the time specified and neither the decision maker nor any other respondent objects;
- (b) the time for bringing the appeal may not be extended under rule 5(3)(a) by more than 12 months.

(9) For the purposes of this rule, mandatory reconsideration applies where the notice of the decision being challenged includes a statement to the effect that there is a right of appeal in relation to the decision only if the decision-maker has considered an application for the revision, reversal, review or reconsideration (as the case may be) of the decision being challenged.”.

F7 1979 c. 17

26. In rule 23 (cases in which the notice of appeal is to be sent to the decision maker), for paragraph (1) substitute—

“(1) This rule applies to social security and child support cases in which the notice of decision being challenged informs the appellant that any appeal must be sent to the decision maker.”.

27. In rule 24 (responses and replies)—

(a) for paragraph (1), substitute—

“(1) When a decision maker receives a copy of a notice of appeal from the Tribunal under rule 22(7), the decision maker must send or deliver a response to the Tribunal—

(a) in asylum support cases, so that it is received within 3 days after the date on which the Tribunal received the notice of appeal;

[^{F8}(b) in—

(i) criminal injuries compensation cases, or

(ii) appeals under the Child Support Act 1991,

within 42 days after the date on which the decision maker received the copy of the notice of appeal; and]

(c) in other cases, within 28 days after the date on which the decision maker received the copy of the notice of appeal.

(1A) Where a decision maker receives a notice of appeal from an appellant under rule 23(2), the decision maker must send or deliver a response to the Tribunal so that it is received as soon as reasonably practicable after the decision maker received the notice of appeal.”;

(b) in paragraph (2)(f), omit “or documents”.

F8 Words in art. 27(a) substituted (1.9.2014) by [The Tribunal Procedure \(Amendment No. 3\) Rules 2014 \(S.I. 2014/2128\)](#), arts. 1(a), **37**

28. In rule 33 (notice of decisions), in paragraph (2), for “a decision which finally disposes of all issues in the proceedings (except a decision under Part 4)” substitute “ a decision (other than a

decision under Part 4) which finally disposes of all issues in the proceedings or of a preliminary issue dealt with following a direction under rule 5(3)(e) ”.

29. In rule 34 (reasons for decisions)—

- (a) in paragraph (3), for “which finally disposes of all issues in the proceedings” substitute—
“which finally disposes of—
 - (a) all issues in the proceedings; or
 - (b) a preliminary issue dealt with following a direction under rule 5(3)(e).”;
- (b) in paragraph (4), omit “which finally disposes of all issues in the proceedings”.

30. In rule 38 (application for permission to appeal)—

- (a) before sub-paragraph (a) of paragraph (3), insert—
“(za) the relevant decision notice.”;
- (b) in sub-paragraph (a) of paragraph (3), at the end, insert—
“, if the decision disposes of—
 - (i) all issues in the proceedings; or
 - (ii) subject to paragraph (3A), a preliminary issue dealt with following a direction under rule 5(3)(e).”;
- (c) after paragraph (3), insert—
“(3A) The Tribunal may direct that the 1 month within which a party may send or deliver an application for permission to appeal against a decision that disposes of a preliminary issue shall run from the date of the decision that disposes of all issues in the proceedings.”;
- (d) in paragraph (7), after “paragraph (2)” insert “ in respect of a decision that disposes of proceedings or of a preliminary issue dealt with following a direction under rule 5(3)(e) ”.

31. In Schedule 1 (time limits for providing notices of appeal to the decision maker)—

- (a) in the heading to the Schedule, omit “to the decision maker”;
- (b) in the second column of the first entry, for paragraph (c) ^{F9} substitute—
“(c) if the appellant made an application for revision of the decision under—
 - (i) regulation 14 of the Child Support Maintenance Calculation Regulations 2012 ^{F10};
 - (ii) regulation 3(1) or (3) of the Social Security and Child Support (Decision and Appeals) Regulations 1999 ^{F11};
 - (iii) regulation 4 of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001 ^{F12};
 - (iv) regulation 17(1)(a) of the Child Support (Maintenance Assessment Procedure) Regulations 1992 ^{F13} (where still applicable to the particular case); or
 - (v) regulation 3A(1) of the Social Security and Child Support (Decisions and Appeals) Regulations 1999 (where still applicable to the particular case),

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and that application was unsuccessful, 1 month after the date on which notice that the decision would not be revised was sent to the appellant.”.

- F9** The amendments to paragraph (c)(i) and (ii) resulting from regulations 1(4) and 9 of the Child Support (Meaning of Child and New Calculation Rules) (Consequential and Miscellaneous Amendment) Regulations 2012, [S.I. 2012/2785](#) are in force for certain cases but not others.
- F10** [S.I. 2012/2677](#)
- F11** [S.I. 1999/991](#). Regulation 3A was inserted by regulation 5 of the [Child Support \(Decisions and Appeals\) \(Amendment\) Regulations 2000 \(S.I. 2000/3185\)](#).
- F12** [S.I. 2001/1002](#)
- F13** [S.I. 2002/1813](#)

32. In Schedule 2 (issues in relation to which the tribunal may refer a person for medical examination under section 20(2) of the Social Security Act 1998)—

- (a) at the end of sub-paragraph (iv) of paragraph (a), omit “or”;
- (b) after sub-paragraph (v) of paragraph (a), insert—
 - “(vi) the daily living component of personal independence payment specified in section 78 of the Welfare Reform Act 2012^{F14}; or
 - (vii) the mobility component of personal independence payment specified in section 79 of the Welfare Reform Act 2012.”;
- (c) at the end of paragraph (i), insert a semi-colon and the following paragraph—
 - “(j) is the rate at which the daily living component or mobility component of personal independence payment is payable.”.

F14 [2012 c. 5](#)

Amendments to the Tribunal Procedure (First-tier Tribunal) (Tax Chamber) Rules 2009

33. The Tribunal Procedure (First-tier Tribunal) (Tax Chamber) Rules 2009^{F15} are amended as follows.

F15 [S.I. 2009/273](#), as amended by [S.I. 2010/43](#), 2010/2653 and 2011/651.

34. In rule 1(3) (definitions)—

- (a) after the definition of “Basic case” insert—
 - ““CAA case” means an application under section 563 of the Capital Allowances Act 2001^{F16},”
- (b) after the definition of “document” insert—
 - ““financial restrictions civil penalty case” means an appeal under paragraph 26(3) or 28(1) of Schedule 7 to the Counter-Terrorism Act 2008^{F17}.”.

F16 [2001 c. 2](#). Section 563 has been amended by the [Finance Act 2012 \(c. 14\)](#). It has also been amended by the Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009, ([S.I. 2009/56](#)).

F17 2008 c. 28. Paragraphs 26(3) and 28(1) of Schedule 7 were substituted by the Revenue and Customs Appeals Order 2009, [S.I. 2009/777](#).

35. In rule 10(1) (circumstances in which Tribunal may award costs), in paragraph (a) after “(wasted costs)” insert “ and costs incurred in applying for such costs ”.

36. In rule 10(4) (time limits on seeking orders for costs), for “of a withdrawal under rule 17 (withdrawal)” substitute “ under rule 17(2) of its receipt of a withdrawal ”.

37. In rule 10(6)(c) (detailed assessment), after “costs or expenses” insert “ , including the costs or expenses of the assessment, ”.

38. In rule 10, after paragraph (7) insert—

“(7A) Upon making an order for the assessment of costs, the Tribunal may order an amount to be paid on account before the costs or expenses are assessed.”.

39. In rule 17 (withdrawal)—

- (a) in paragraph (1)(a), omit “at any time before a hearing to consider the disposal of the proceedings (or, if the Tribunal disposes of the proceedings without a hearing, before that disposal),”;
- (b) in paragraph (2)—
 - (i) omit “other”, and
 - (ii) after “of” insert “ its receipt of ”.

40. In rule 21 (starting proceedings by originating application or reference), after paragraph (3) insert—

“(3A) The power of the Tribunal under these Rules to extend time for starting proceedings shall not apply in a CAA case.”

41. In rule 23 (allocation of cases to categories), in paragraph (1)(a) after “expenses case” insert “ , a financial restrictions civil penalty case or a CAA case ”.

42. In rule 35(2) (notice of decisions and reasons), for “a decision which finally disposes of all issues in proceedings (except a decision under Part 4)”, substitute “ a decision (other than a decision under Part 4) which finally disposes of all issues in proceedings or of a preliminary issue dealt with following a direction under rule 5(3)(e) ”.

43. In rule 39 (application for permission to appeal)—

- (a) before sub-paragraph (a) of paragraph (2), insert—

“(za) the relevant decision notice;”;
- (b) for sub-paragraph (a) of paragraph (2), substitute—

- “(a) where—
 - (i) the decision disposes of all issues in the proceedings; or
 - (ii) subject to paragraph (2A), the decision disposes of a preliminary issue dealt with following a direction under rule 5(3)(e),
 full written reasons for the decision;”;
- (c) after paragraph (2), insert—

“(2A) The Tribunal may direct that the 56 days within which a party may send or deliver an application for permission to appeal against a decision that disposes of a preliminary issue shall run from the date of the decision that disposes of all issues in the proceedings.”.

Amendments to the Tribunal Procedure (First-tier Tribunal) (War Pensions and Armed Forces Compensation Chamber) Rules 2008

44. The Tribunal Procedure (First-tier Tribunal) (War Pensions and Armed Forces Compensation Chamber) Rules 2008 ^{F18} are amended as follows.

F18 [S.I. 2008/2686](#), as amended by [S.I. 2009/1975](#), 2010/43, 2010/2653 and 2011/651.

- 45.** In rule 17 (withdrawal)—
- (a) in paragraph (1)(a), omit “at any time before a hearing to consider the disposal of the proceedings (or, if the Tribunal disposes of the proceedings without a hearing, before that disposal),”;
 - (b) in paragraph (2), for “under paragraph (1)(b)” substitute “ at a hearing ”.
- 46.** In rule 31 (notice of decisions), in paragraph (2), for “a decision which disposes of all issues in the proceedings (except a decision under Part 4)” substitute “ a decision (other than a decision under Part 4) which finally disposes of all issues in the proceedings or of a preliminary issue dealt with following a direction under rule 5(3)(e) ”.
- 47.** In rule 32 (reasons for decisions)—
- (a) in paragraph (2), for “which finally disposes of all issues in the proceedings” substitute—

“which finally disposes of—

 - (a) all issues in the proceedings; or
 - (b) a preliminary issue dealt with following a direction under rule 5(3)(e);
 - (b) in paragraph (3), omit “which finally disposes of all issues in the proceedings”.
- 48.** In rule 36 (application for permission to appeal)—
- (a) before sub-paragraph (a) of paragraph (2), insert—

“(za) the relevant decision notice;”;
 - (b) in sub-paragraph (a) of paragraph (2), at the end, insert —

“, if the decision disposes of—

 - (i) all issues in the proceedings; or

- (ii) subject to paragraph (2A), a preliminary issue dealt with following a direction under rule 3(5)(e);”;
- (c) after paragraph (2), insert—

“(2A) The Tribunal may direct that the 42 days within which a party may send or deliver an application for permission to appeal against a decision that disposes of a preliminary issue shall run from the date of the decision that disposes of all issues in the proceedings.”.

Amendments to the Tribunal Procedure (Upper Tribunal) Rules 2008

49. The Tribunal Procedure (Upper Tribunal) Rules 2008 ^{F19} are amended as follows.

F19 [S.I. 2008/2698](#), as amended by [S.I. 2009/274](#), 2009/1975, 2010/43, 2010/44, 2010/747, 2010/2653, 2011/651, 2011/2343, 2012/500, 2012/1363, 2012/2007 and 2012/2890.

50. In rule 10(3) (circumstances in which Tribunal may award costs), in paragraph (c) after “(wasted costs)” insert “ and costs incurred in applying for such costs ”.

51. In rule 10(6) (time limit for seeking orders for costs), for sub-paragraph (b) substitute—

“(b) notice under rule 17(5) that a withdrawal which ends the proceedings has taken effect.”.

52. In rule 10(8)(c) (detailed assessment), after “costs or expenses” insert “ , including the costs or expenses of the assessment, ”.

53. In rule 10, after paragraph (9) insert—

“(10) Upon making an order for the assessment of costs, the Tribunal may order an amount to be paid on account before the costs or expenses are assessed.”.

54. In rule 17 (withdrawal)—

- (a) in paragraph (1)(a), omit “at any time before a hearing to consider the disposal of the proceedings (or, if the Tribunal disposes of the proceedings without a hearing, before that disposal),”;
- (b) in paragraph (5), for “of a withdrawal” substitute “ that a withdrawal has taken effect ”.

55. In rule 18 (notice of funding of legal services), in paragraph (a)(i)—

- (a) for “funding is granted by the Legal Services Commission or” substitute “ civil legal services (within the meaning of section 8 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012) are provided under arrangements made for the purposes of Part 1 of that Act or by ”;
- (b) after “a copy of the” insert “ certificate or ”.

56. In rule 40 (decisions), in paragraph (2)—

Status: Point in time view as at 01/09/2014.

Changes to legislation: There are currently no known outstanding effects for the
The Tribunal Procedure (Amendment) Rules 2013. (See end of Document for details)

- (a) for “, a decision which finally disposes of all issues in the proceedings (except a decision under Part 7)” substitute “ a decision (other than a decision under Part 7) which finally disposes of all issues in the proceedings or of a preliminary issue dealt with following a direction under rule 5(3)(e) ”;
- (b) in sub-paragraph (a) of that paragraph, insert “ Upper ” before “Tribunal”.

57. In Schedule 1 (procedure after the notice of appeal in road transport cases)—

- (a) in paragraph 4(c), before “each” insert “ to ”;
- (b) in paragraph 7, omit “specified in paragraph 8”;
- (c) omit paragraph 8.

We make these Rules,

Brian FJ Langstaff
M J Reed
Simon Ennals
Lesley Clare
Douglas J May QC
Bronwyn McKenna
Mark Rowland

I allow these Rules,
Signed by the authority of the Lord Chancellor

Ministry of Justice
5th March 2013

Helen Grant
Parliamentary Under Secretary of State

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Tribunal Procedure Rules which apply in the —

— First-tier Tribunal, General Regulatory Chamber “GRC”.

First-tier Tribunal, Health, Education and Social Care Chamber “HESCC”.

First-tier Tribunal, Social Entitlement Chamber “SEC”.

First-tier Tribunal, Tax Chamber “TC”.

First-tier Tribunal, War Pensions and Armed Forces Compensation Chamber “WP&AFCC”.

Upper Tribunal, Administrative Appeals Chamber, Tax and Chancery Chamber and Immigration and Asylum Chamber “AAC, TCC & IAC”.

Apart from minor matters, the amendments are explained below.

The rules which apply in GRC, HESCC, SEC, TC, WP&AFCC and AAC, TCC & IAC are amended as follows.

— Rules 4, 13, 36 and 51 make clearer provision regarding the date from which time for applying for costs runs after a case is withdrawn.

Rules 7, 17, 24, 39, 45 and 54 extend the power to withdraw a case to circumstances in which a case has been adjourned part heard. Rule 24 also refines the circumstances in which the consent of the Tribunal to withdrawal is required.

Rules 8, 18, 20, 43, 48 and 56 introduce a time limit for appeals against decisions other than decisions which dispose of all the issues in the proceedings.

Rules 9, 21, 28 to 30, 40 and 43, and 46 to 48 make amendments to treat preliminary issues in the same way as decisions which dispose of all the issues in the proceedings, in relation to hearings, the provision of reasons and the rules on appeals.

Other rules implement certain recommendations from the Report by the Costs Review Group to the Senior President of Tribunals (December 2011) <http://www.judiciary.gov.uk/publications-and-reports/reports/Tribunals/costs-in-tribunals-report-december-2011> regarding the rules on costs or expenses which apply in the GRC, HESCC, TC and AAC, TCC & IAC.

— Rules 3, 12, 35 and 50 provide that an award of wasted costs may include the costs of seeking that wasted costs order.

Rules 5, 14, 37 and 52 provide that a detailed assessment of costs or expenses should include the costs of that assessment.

Rules 6, 15, 38 and 53 provide that the Tribunal may order an interim payment of costs on account, where it has made an award of costs which are to be assessed.

Rules 25, 26, 27, 31 and 32 make amendments on topics specific to the SEC.

— They make amendments taking account of the introduction of mandatory reconsideration, under which an appellant cannot appeal certain decisions without having first asked the Secretary of State to consider revising the decision. The time limits for, and documentation relevant to, these appeals are amended to take account of the additional prior step which will occur regarding the decisions being appealed.

They introduce time limits for the respondent providing a response to the Tribunal in certain cases in which there has until now been no specific time limit.

They anticipate amendments to the first entry in Schedule 1 to the SEC Rules made by regulation 9 of the Child Support (Meaning of Child and New Calculation Rules) (Consequential and Miscellaneous Amendment) Regulations 2012, (S.I. 2012/2785) which are in force for some cases but not others. This is to ensure that there is only one version of the first entry in force.

They alter the circumstances in which an appellant is required to lodge their notice of appeal directly with the Tribunal rather than with the decision maker.

Status: Point in time view as at 01/09/2014.

Changes to legislation: There are currently no known outstanding effects for the
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They make amendments consequential upon the transition from disability living allowance to personal independence payments.

Rules 34, 40 and 41 make amendments specific to the TC relating to appeals from financial restrictions civil penalty notices under the Counter-Terrorism Act 2008 (c. 28) and cases under section 563 of the Capital Allowances Act 2001 (c. 2).

Status:

Point in time view as at 01/09/2014.

Changes to legislation:

There are currently no known outstanding effects for the The Tribunal Procedure (Amendment) Rules 2013.