
STATUTORY INSTRUMENTS

2023 No. 327

The Tribunal Procedure (Amendment) Rules 2023

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

4.—(1) The Tribunal Procedure (First-tier Tribunal) (War Pensions and Armed Forces Compensation Chamber) Rules 2008(1) are amended as follows.

(2) In rule 6 (procedure for applying for and giving directions) after paragraph (3) insert—

“(3A) A party making a written application must send a copy of the application to every other party to the proceedings and to any other person that may be affected by the direction applied for, and request that any comments on the application should be sent to the Tribunal within 7 days or such earlier period as the Tribunal directs.”.

(3) In rule 21 (notice of appeal)—

(a) in paragraph (1) for “decision maker” substitute “Tribunal”;

(b) after paragraph (5) insert—

“(5A) The Tribunal must send a copy of the notice of appeal and any accompanying documents to the decision maker as soon as reasonably practicable.”;

(c) in paragraph (6) for “The decision maker must refer the case to the Tribunal immediately” substitute “Upon receipt of a copy of the notice of appeal the decision maker must notify the Tribunal within 28 days”.

(4) In rule 22 (lapse of cases)—

(a) in paragraph (1)—

(i) for “If the” substitute “If after receiving the notice of appeal the”;

(ii) at the end of sub-paragraph (a) omit “and”;

(iii) at the end of sub-paragraph (b) insert—

“; and

(c) the decision maker must send a copy of the revised decision to the Tribunal.”;

(b) in paragraph (2) [^{F1}in the second place in which it appears] for “decision maker” substitute “Tribunal”;

(c) after paragraph (2) insert—

“(2A) The Tribunal must send a copy of the appellant’s representations or written statement provided under paragraph (2) (if any) to the decision maker.”;

(d) omit paragraph (3);

(e) after paragraph (3) insert—

“(4) If an appeal lapses under paragraph (2), the Tribunal must give both parties notice that it has done so.”.

- (5) In rule 23 (responses and replies)—
- (a) for paragraph (1) substitute—
- “(1) When a decision maker receives a copy of the notice of appeal, the decision maker must send or deliver a response to the Tribunal—
- (a) where the decision being challenged on appeal is subject to mandatory reconsideration, within 28 days after—
- (i) if following reconsideration, the decision maker maintains the decision being challenged, the date on which the decision maker sends the appellant notice that the decision under challenge has been maintained; or
- (ii) if following reconsideration, the decision maker revises the decision being challenged, the date on which the decision maker receives a copy of the appellant’s representations or written statement provided under rule 22(2A) (lapse of cases); or
- (b) in any other case, within 56 days after the date that the decision maker receives a copy of the notice of appeal or, if rule 21(3) (notice of appeal) applies, a copy of the Tribunal’s decision to admit the appeal.”;
- (b) after paragraph (7) insert—
- “(8) In this rule, a decision is “subject to mandatory reconsideration” where—
- (a) an application for reconsideration has been made under Article 53(1) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011 (the 2011 Order) and the application has not yet been determined; or
- (b) the decision maker is required under Article 53(5) of the 2011 Order to reconsider the decision being challenged.”.
- (6) In rule 24 (medical examinations and commission of medical evidence etc.)—
- (a) omit paragraphs (1) and (2);
- (b) in paragraph (5) omit “arranges a medical examination under paragraph (2) or”.

F1 Words in rule 4(4)(b) inserted (25.12.2023) by [The Tribunal Procedure \(Amendment No. 2\) Rules 2023 \(S.I. 2023/1280\)](#), rules 1, **6(2)**

Commencement Information

II Rule 4 in force at 6.4.2023, see [rule 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Tribunal Procedure (Amendment) Rules 2023, Section 4.