

2024 No. 364

TRIBUNALS AND INQUIRIES

The Tribunal Procedure (Amendment) Rules 2024

<i>Made</i> - - - -	<i>12th March 2024</i>
<i>Laid before Parliament</i>	<i>14th March 2024</i>
<i>Coming into force</i> - -	<i>6th April 2024</i>

The Tribunal Procedure Committee makes the following Rules, in exercise of the powers conferred by sections 22 and 29(3) of, and Schedule 5 to, the Tribunals, Courts and Enforcement Act 2007^(a), having consulted in accordance with paragraph 28(1) of Schedule 5 to that Act.

The Lord Chancellor has allowed these Rules in accordance with paragraph 28(3) of Schedule 5 to the Tribunals, Courts and Enforcement Act 2007.

Citation and commencement

1. These Rules may be cited as the Tribunal Procedure (Amendment) Rules 2024 and come into force on 6th April 2024.

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

2.—(1) The Tribunal Procedure (First-tier Tribunal) (Tax Chamber) Rules 2009^(b) are amended as follows.

(2) In rule 1(3) (citation, commencement, application and interpretation) in the definition “HMRC”—

- (a) at the end of sub-paragraph (a) omit “and”;
- (b) at the end of sub-paragraph (b) insert “and”; and
- (c) after sub-paragraph (b) insert—

“(c) the Gambling Commission when carrying out functions under Part 3 of the Finance Act 2022 (economic crime (anti-money laundering) levy)(c);”.

(a) 2007 c. 15. There are amendments to the Act but none is relevant to this instrument.
(b) S.I. 2009/273; relevant amending legislation are S.I. 2010/2653, paragraph 190 of Schedule 8 to the Crime and Courts Act 2013 (c. 22) and S.I. 2023/327.
(c) 2022 c. 3.

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

3.—(1) The Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009(a) are amended as follows.

(2) In rule 22(6) (the notice of appeal)—

(a) at the end of sub-paragraph (l) insert “or”; and

(b) after sub-paragraph (l) insert—

“(m) in an appeal under regulation 30(5) or (7) of the Biodiversity Gain Site Register Regulations 2024(b), within 28 days beginning with the day after the date on which the entry on the biodiversity gain site register was amended or removed.”.

Amendments to the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013

4.—(1) The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013(c) are amended as follows.

(2) In rule 1(3) (citation, commencement and interpretation) in the definition “unresponsive grantor case” after the parenthesis insert “or paragraph 27ZE of Part 4ZA (code rights in respect of relevant land: unresponsive occupiers)(d)”;

(3) In rule 13 (orders for costs, reimbursement of fees and interest on costs)—

(a) for paragraph (1)(d) substitute—

“(d) in proceedings under Schedule 3A to the Communications Act 2003 (the Electronic Communications Code)(e) including proceedings that have been transferred from the Upper Tribunal.”.

(b) in paragraph (1A) for “An order under paragraph (1)(d)(ii)” substitute “In relation to proceedings that have been transferred from the Upper Tribunal, an order under paragraph (1)(d)”.

(a) S.I. 2009/1976, amended by S.I. 2010/43; there are other amending instruments but none is relevant.

(b) S.I. 2024/45.

(c) S.I. 2013/1169; relevant amending instruments are S.I. 2021/322, 1183 and 2022/1030.

(d) Part 4ZA of Schedule 3A to the Communications Act 2003 (c. 21) will be inserted by section 67(1) of the Product Security and Telecommunications Infrastructure Act 2022 (c. 46) when brought into force.

(e) 2003 c. 21; Schedule 3A was inserted by Schedule 1 to the Digital Economy Act 2017 (c. 30), and is amended by section 1 and paragraph 4 of the Schedule to the Telecommunications Infrastructure (Leasehold Property) Act 2021 (c. 7), and Part 2 of the Product Security and Telecommunications Infrastructure Act 2022 (c. 46).

We make these Rules

David Franey
Mark Loveday
Stephen H Smith
Joanna Smith
Jeremy Rintoul
Gillian Fleming
Michael Reed
Philip Brook Smith
Susan Humble
TPC Members

5th March 2024

I allow these Rules

12th March 2024

Bellamy
Parliamentary Under Secretary of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the tribunal procedure rules that apply in some of the chambers of the First-tier Tribunal.

Rule 2 amends the definition of “HMRC” in rule 1(3) (citation, commencement, application and interpretation) of the Tribunal Procedure (First-tier Tribunal) (Tax Chamber) Rules 2009 (S.I. 2009/273), to include reference to the Gambling Commission exercising functions under Part 3 of the Finance Act 2022 (c. 23). This amendment ensures that these rules of procedure apply to appeals in respect of the exercise of those functions by the Gambling Commission.

Rule 3 amends rule 22(6) (the notice of appeal) of the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009 (S.I. 2009/1976) to specify the period by which a notice of appeal, in respect of an appeal under regulation 30(5) or (7) of the Biodiversity Gain Site Register Regulations 2024 (S.I. 2024/45), must be submitted to the Tribunal.

Rule 4(2) amends the definition of “unresponsive grantor cases” in rule 1(3) (citation, commencement and interpretation) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 (S.I. 2013/1169), to include reference to paragraph 27ZE of Part 4ZA of Schedule 3A to the Communications Act 2003 (c. 21) (“2003 Act”). This amendment allows the Tribunal to dispose of applications made under those provisions of the 2003 Act without a hearing, after giving 14 days’ notice (see rule 31(3)(a) (decision with or without a hearing)). This is in addition to applications made under paragraph 27D of Part 4A (code rights in respect of land connected to leased premises: unresponsive occupiers) of Schedule 3A to the 2003 Act to which rule 31(3)(a) already applies.

Rule 4(3) amends rule 13 (orders for costs, reimbursement of fees and interest on costs) to clarify that the Tribunal may make an order for costs in respect of any proceedings under the 2003 Act, including those proceedings that have been transferred from the Upper Tribunal.

No impact assessment has been carried out for these amendments as no, or no significant impact, on the private, voluntary, or public sectors is foreseen.

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