

2012 No. 500 (L. 1)

TRIBUNALS AND INQUIRIES

The Tribunal Procedure (Amendment) Rules 2012

Made - - - - - 22nd February 2012

Laid before Parliament 6th March 2012

Coming into force - 6th April 2012

After consulting in accordance with paragraph 28(1) of Schedule 5 to the Tribunals, Courts and Enforcement Act 2007^(a), the Tribunal Procedure Committee has made the following Rules in exercise of the powers conferred by section 22 of, and Schedule 5 to, that Act.

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

Citation and commencement

1.—(1) These Rules may be cited as the Tribunal Procedure (Amendment) Rules 2012.

(2) These Rules come into force on 6th April 2012.

[Rule 2 amends rules 9 and 22 of S.I. 2009/1976.]

[Rule 3 amends regulations outside the scope of these volumes.]

[Rule 4 amends rule 23 of S.I. 2008/2685.]

[Rule 5 amends rule 26A of S.I. 2008/2698.]

[Rule 6 amends regulations outside the scope of these volumes.]

We make these Rules

*Paul Walker
Philip Brook-Smith QC
Simon Cox
Douglas J May QC
Michael Reed
Mark Rowland*

(a) 2007 c. 15.

I allow these Rules
Signed by authority of the Lord Chancellor

22nd February 2012

J Djanogly
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 applied by the First-tier Tribunal and Upper Tribunal.

Rule 2 amends the rules for the General Regulatory Chamber of the First-tier Tribunal. Rule 2(2) introduces a time limit of 42 days for applications to be joined as a party to references under Schedule 1D to the Charities Act 1993. Rule 2(3) disappplies the default 28-day time limit for starting proceedings in that Chamber to the laying of disciplinary charges by the Immigration Services Commissioner.

Rule 5 makes provision for charity references in the Upper Tribunal. The Upper Tribunal is given the express power to make directions about applications to join the proceedings, including directions about the time within which such applications may be made.

Rule 3 amends the rules for the Health, Education and Social Care Chamber of the First-tier Tribunal (“the HESC rules”). The changes to rule 32 of the HESC rules, relating to mental health cases, make provision for the content of references to the Tribunal (akin to the existing provisions for the content of applications), and amend the provisions requiring information to be provided to the Tribunal. In particular, the requirement to provide reports in relation to conditionally discharged patients is transferred from the Secretary of State to the responsible clinician and any social supervisor named by the Secretary of State, and the additional information to be supplied by the Secretary of State in such cases is specified. The changes to rule 35 of the HESC rules allow mental health cases to be struck out without a hearing where the Tribunal has no jurisdiction. They also allow the Tribunal to dispose of certain references without a hearing, under limited circumstances and where the patient has given consent or where a representative has given consent on their behalf.

Rule 4 amends the rules for the Social Entitlement Chamber of the First-tier Tribunal. It amends the procedure in cases with more than one respondent where the notice of appeal is sent to the decision maker. The effect of these amendments is that respondents other than the decision maker will now be able to object to late appeals as well.

Rule 6 is about the Upper Tribunal Lands Chamber; rule 6(2) reflects a change in the title of the valuation tribunal in Wales and rule 6(3) imposes a time limit for appeals about certificates of appropriate alternative development under the Land Compensation Act 1961, now directed to that Chamber by virtue of the Localism Act 2011(a).

A regulatory impact assessment has not been prepared for these Rules as no impact on the public, private or voluntary sectors is foreseen.

(a) 2011 c. 20.