

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(a) and sections 22 and 29 of, and Schedule 5 to, the Tribunals, Courts and Enforcement Act 2007(b), 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(b) of that Schedule to that Act

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.

[Rules 2 - 9 make various amends to S.I. 2009/1976.]

[Rules 10 - 21 are not applicable to these volumes.]

[Rules 22 - 26 & 28 - 32 make various amends to S.I. 2008/2685.]

[Rule 27 amends rule 24 of S.I. 2088/2685 coming into force from 1/10/2014.]

[Rules 33 - 48 are not applicable to these volumes.]

[Rules 49 - 57 make various amends to S.I. 2008/2698.]

(a) 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.

(b) 2007 c. 15.

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

Helen Grant
Parliamentary Under Secretary of State
Ministry of Justice

5th March 2013

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.

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).

