

2013 No. 2067 (L. 20)

TRIBUNALS AND INQUIRIES

**The Tribunal Procedure (Amendment No. 4)
Rules 2013**

<i>Made</i> - - - -	<i>27th August 2013</i>
<i>Laid before Parliament</i>	<i>29th August 2013</i>
<i>Coming into force</i>	<i>1st November 2013</i>

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

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

Citation and commencement

1. These Rules may be cited as the Tribunal Procedure (Amendment No. 4) Rules 2013 and come into force on 1st November 2013.

[Rules 2 - 21 makes various amends, to S.I. 2008/2698, transitional provisions apply to rules 13(a) and (b) see rule 29.]

[Rules 22 - 26 makes various amends to S.I. 2008/2685.]

[Rules 23 - 28 amends S.I. 2008/2686 not supported in these Vols.]

Transitional

29.—(1) The amendments made by rule 13(a) and (b) (relating to rule 30(4) and (4A) of the Tribunal Procedure (Upper Tribunal) Rules 2008) do not apply to fresh claim proceedings where—

- (a) an application for permission to bring judicial review proceedings was issued in the Upper Tribunal before 1st November 2013; or
- (b) an application for permission to apply for judicial review was transferred to the Upper Tribunal by the High Court under section 31A of the Senior Courts Act 1981 before 1st November 2013.

(2) Fresh claim proceedings has the meaning in rule 1(3) of the Tribunal Procedure (Upper Tribunal) Rules 2008 as it was in force immediately before 1st November 2013.

(a) 2007 c. 15.

We make these Rules,

*Brian F J Langstaff
Douglas J May QC
Mark Rowland
Lesley Clare
M J Reed
W B Thompson
Philip Brook Smith QC*

22nd August 2013

I allow these Rules,

Signed by the authority of the Lord Chancellor

Lord McNally
Minister of State
Ministry of Justice

27th August 2013

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Tribunal Procedure (Upper Tribunal) Rules 2008 (S.I. 2008/2698), the Tribunal Procedure (First-tier Tribunal) (Social Entitlement Chamber) Rules 2008 (S.I. 2008/2685) and the Tribunal Procedure (First-tier Tribunal) (War Pensions and Armed Forces Compensation Chamber) Rules 2008 (S.I. 2008/2686).

The amendments to the Tribunal Procedure (Upper Tribunal) Rules 2008 (the “Upper Tribunal Rules”) are, for the most part, a consequence of the making of a direction by the Lord Chief Justice which transfers into the unified tribunal structure certain immigration and asylum judicial reviews from the High Court in England and Wales. The Lords Chief Justice’s direction is published at www.judiciary.gov.uk.

Rules 14 and 16 provide that any decision which disposes of “immigration judicial review proceedings”, subject to some limited exceptions, must be given at a hearing. Rule 18 provides that permission to appeal such Upper Tribunal decisions will also be dealt with at that hearing, whether or not such permission has been sought by either party.

Rule 18, together with rule 13, amends the Upper Tribunal Rules to remove a party’s right to have a decision of the Upper Tribunal refusing permission to bring immigration judicial review proceedings reviewed at a hearing where the Upper Tribunal considers the application to be totally without merit. Rule 29 provides that this amendment will not apply to applications in relation to fresh claim proceedings which were issued in, or transferred to, the Upper Tribunal prior to 1st November 2013.

Rule 5 introduces a rule providing that in immigration judicial review proceedings a case will be struck out where a fee has not been paid as required.

The Tribunal Procedure (First-tier Tribunal) (Social Entitlement Chamber) Rules 2008 are amended by rules 23-26. Rules 23, 25 and 26 provide an express power to the First-tier Tribunal to extend the time within which an appeal can be brought under regulation 28(1) of the Child Benefit and Guardian’s Allowance (Decisions and Appeals) Regulations 2003 (S.I. 2003/916). The amendment provided for by rule 24 is consequential upon changes affecting certain child support appeals, which will result in notices of appeal being sent to the Tribunal instead of the decision maker. The process for notifying or enquiring as to the need for confidentiality in such cases are amended to reflect the change in process.

Rule 28 amends the rules of the First-tier Tribunal (War Pensions and Armed Forces Compensation Chamber) to correct a cross-reference to the rule under which case management directions may be given to deal with an issue in proceedings as a preliminary issue.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

