

*Status: This version of this provision is prospective.*

**Changes to legislation:** Nationality and Borders Act 2022, Section 81 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes



# Nationality and Borders Act 2022

## 2022 CHAPTER 36

### PART 6

#### MISCELLANEOUS

PROSPECTIVE

#### **81 Tribunal Procedure Rules to be made in respect of costs orders etc**

- (1) Tribunal Procedure Rules governing proceedings before the Tribunal (see subsection (4)) must prescribe conduct that, in the absence of evidence to the contrary, is to be treated as—
  - (a) improper, unreasonable or negligent for the purposes of—
    - (i) section 25A(1) of the Tribunals, Courts and Enforcement Act 2007 (charge in respect of wasted resources);
    - (ii) section 29(4) of that Act (wasted costs);
  - (b) an unreasonable act for the purposes of section 29(3A) of that Act (unreasonable costs orders).
- (2) Tribunal Procedure Rules must make provision to the effect that the Tribunal, if satisfied that conduct prescribed under subsection (1) has taken place, must consider whether to impose a charge or make an order in accordance with the provisions mentioned in that subsection.
- (3) Nothing in Tribunal Procedure Rules may compel the Tribunal to impose a charge, or make an order, mentioned in subsection (1) in relation to conduct (whether or not that conduct is prescribed under that subsection).
- (4) In this section “the Tribunal” means the Immigration and Asylum Chamber of the First-Tier Tribunal and of the Upper Tribunal (see Articles 2 and 9 of The First-tier Tribunal and Upper Tribunal (Chambers) Order 2010 ([S.I. 2010/2655](#))).
- (5) In this section “conduct” includes acts and omissions.

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(6) In section 29 of the Tribunals, Courts and Enforcement Act 2007, after subsection (3) insert—

“(3A) The relevant Tribunal may, in particular, make an order in respect of costs in any proceedings mentioned in subsection (1), if it considers that a party or its legal or other representative has acted unreasonably in bringing, defending or conducting the proceedings.”

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**Commencement Information**

**II** S. 81 not in force at Royal Assent, see [s. 87\(1\)](#)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 54(6)(c) and word inserted by [2023 c. 37 s. 57\(11\)\(b\)](#)
- s. 63(2A) inserted by [2023 c. 37 s. 29\(3\)](#)
- s. 63(3)(fa)(fb) inserted by [2023 c. 37 s. 29\(4\)\(b\)](#)
- s. 63(5A)(5B) inserted by [2023 c. 37 s. 29\(5\)](#)
- s. 63(8) inserted by [2023 c. 37 s. 28\(9\)](#)
- s. 65(8A) inserted by [2023 c. 37 s. 28\(12\)](#)