
STATUTORY INSTRUMENTS

2008 No. 2698 (L. 15)

TRIBUNALS AND INQUIRIES

The Tribunal Procedure (Upper Tribunal) Rules 2008

Made - - - - 9th October 2008

Laid before Parliament 15th October 2008

Coming into force 3rd November 2008

THE TRIBUNAL PROCEDURE (UPPER TRIBUNAL) RULES 2008

PART 1

Introduction

1. Citation, commencement, application and interpretation
2. Overriding objective and parties' obligation to co-operate with the Upper Tribunal
3. Alternative dispute resolution and arbitration

PART 2

General powers and provisions

4. Delegation to staff
5. Case management powers
- 5A. Coronavirus temporary rule (decisions without a hearing)
6. Procedure for applying for and giving directions
7. Failure to comply with rules etc.
8. Striking out a party's case
9. Addition, substitution and removal of parties
10. Orders for costs
11. Representatives
12. Calculating time
13. Sending and delivery of documents
14. Use of documents and information
15. Evidence and submissions
16. Summoning or citation of witnesses and orders to answer questions or produce documents
17. Withdrawal

Changes to legislation: There are currently no known outstanding effects for the The Tribunal Procedure (Upper Tribunal) Rules 2008. (See end of Document for details)

- 17A Appeal treated as abandoned or finally determined in an asylum case or an immigration case
- 18. Notice of funding of legal services
- 19. Confidentiality in social security and child support cases
- 20. Power to pay expenses and allowances
- 20A Procedure for applying for a stay of a decision pending an appeal
- 20B Application for an authorised costs order

PART 3

Procedure for cases in the Upper Tribunal

- 21. Application to the Upper Tribunal for permission to appeal
- 22. Decision in relation to permission to appeal
- 22A Special procedure for providing notice of a refusal of permission to appeal in an asylum case
- 23. Notice of appeal
- 24. Response to the notice of appeal
- 25. Appellant's reply
- 26. References under the Forfeiture Act 1982
- 26A Cases transferred or referred to the Upper Tribunal, applications made directly to the Upper Tribunal, cases where an offence has been certified and proceedings without notice to a respondent
- 26B Financial services cases and wholesale energy cases
- 26C Financial sanctions cases

PART 4

Judicial review proceedings in the Upper Tribunal

- 27. Application of this Part to judicial review proceedings transferred to the Upper Tribunal
- 28. Applications for permission to bring judicial review proceedings
- 28A Special provisions for immigration judicial review proceedings
- 29. Acknowledgment of service
- 30. Decision on permission or summary dismissal, and reconsideration of permission or summary dismissal at a hearing
- 31. Responses
- 32. Applicant seeking to rely on additional grounds
- 33. Right to make representations
- 33A Amendments and additional grounds resulting in transfer of proceedings to the High Court in England and Wales

PART 5

Hearings

- 34. Decision with or without a hearing
- 35. Entitlement to attend a hearing
- 36. Notice of hearings
- 36A Special time limits for hearing an appeal in a fast-track case
- 37. Public and private hearings
- 37A Coronavirus temporary rule (recording of remote hearings)
- 38. Hearings in a party's absence

PART 6

Decisions

- 39. Consent orders
- 40. Decisions
- 40A. Special procedure for providing notice of a decision relating to an asylum case

PART 7

Correcting, setting aside, reviewing and appealing decisions of the Upper Tribunal

- 41. Interpretation
 - 42. Clerical mistakes and accidental slips or omissions
 - 43. Setting aside a decision which disposes of proceedings
 - 44. Application for permission to appeal
 - 45. Upper Tribunal's consideration of application for permission to appeal
 - 46. Review of a decision
 - 47. Setting aside a decision in proceedings under the Forfeiture Act 1982
 - 48. Power to treat an application as a different type of application
- Signature

SCHEDULE A1 — Procedure in Quality Contracts Scheme cases

- 1. This Schedule applies to quality contracts scheme cases.
- 2. Notice of appeal
- 3. The appellant must, at the same time as sending its...
- 4. The Upper Tribunal must send a copy of the notice...
- 5. The Upper Tribunal may, upon receipt of the notice of...
- 6. Response to the notice of appeal
- 7. The respondent must, at the same time as providing its...
- 8. Any directions given by the Upper Tribunal to the respondent...
- 9. Appellant's reply
- 10. The appellant must, at the same time as providing its...
- 11. The Upper Tribunal must send a copy of the appellant's...
- 12. Any directions given by the Upper Tribunal to the respondent...
- 13. Adding further parties
- 14. Any application to be added as a party must state—...
- 15. The person making the application must provide the following materials...
- 16. The Upper Tribunal must notify the parties of any application...
- 17. The Upper Tribunal may give further directions relating to any...

SCHEDULE 1 — Procedure after the notice of appeal in road transport cases

- 1. This Schedule applies to road transport cases .
- 2. The only parties to the appeal are the appellant and...
- 3. On receipt of a copy of a notice of appeal...
- 4. On receipt of a list under paragraph 3(d) the Upper...
- 5. The appropriate national authority and any person to whom the...
- 6. An application under paragraph 5 must be sent or delivered...
- 7. If a person ... makes an application in accordance with...
- 8. The persons specified for the purposes of paragraph 7 are—...
- 9. The Upper Tribunal must notify each other party of any...

Changes to legislation: There are currently no known outstanding effects for the The Tribunal Procedure (Upper Tribunal) Rules 2008. (See end of Document for details)

10. Any party may make a request to the Upper Tribunal...
11. On receiving a request under paragraph 10 the Upper Tribunal—...

SCHEDULE 2 — Additional procedure in national security certificate cases

1. This Schedule applies only to national security certificate appeals.
2. Following the transfer of the appeal from the First-tier Tribunal,...
3. The relevant Minister must send or deliver to the Upper...
4. In an appeal under section 28(4) of the Data Protection...
5. In an appeal under section 28(6) of the Data Protection...
6. The Upper Tribunal must— (a) subject to paragraph 11, provide...
7. On grounds of the need to ensure that information is...
8. A notice under paragraph 7 must— (a) state the reason...
9. Before the Upper Tribunal gives a direction, issues a summons...
10. When deciding whether to uphold an objection made by the...
11. Where the relevant Minister may object to the disclosure of...

SCHEDULE 3 — Procedure in financial services cases and Wholesale Energy Cases

1. Interpretation
2. Reference notice
3. Register of references and decisions
4. Respondent's statement of case in a single regulator case
- 4A Respondents' statements of case in a multiple regulator case
5. Applicant's reply
6. Secondary disclosure by a respondent
7. Exceptions to disclosure
8. Subsequent notices in relation to the referred action
9. References by third parties

SCHEDULE 4 — Procedure in financial sanctions cases

1. Interpretation
2. Notice of Appeal
3. Respondent's statement of case
4. Appellant's reply
5. Secondary disclosure by the respondent
6. Exceptions to disclosure

Explanatory Note

Changes to legislation:

There are currently no known outstanding effects for the The Tribunal Procedure (Upper Tribunal) Rules 2008.