STATUTORY INSTRUMENTS

2025 No. 561 (L. 3)

TRIBUNALS AND INQUIRIES

The Tribunal Procedure (Amendment) Rules 2025

Made - - - -	*7th May 2025*
Laid before Parliament	*9th May 2025*
Coming into force - -	*30th May 2025*

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

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

Citation and commencement

1. These Rules may be cited as the Tribunal Procedure (Amendment) Rules 2025 and come into force on 30th May 2025.

Amendments to the Tribunal Procedure (First-tier Tribunal) (Social Entitlement Chamber) Rules 2008

2.—(1) The Tribunal Procedure (First-tier Tribunal) (Social Entitlement Chamber) Rules 2008(**b**) are amended as follows.

(2) In rule 37 (setting aside a decision which disposes of proceedings)—

(a) in paragraph (1) after "may" insert ", on the application of a party or on its own initiative,";

(b) after paragraph (3) insert—

"(4) If the Tribunal sets aside a decision or part of a decision under this rule, the Tribunal must notify each party in writing as soon as reasonably practicable.".

Amendments to the Tribunal Procedure (First-tier Tribunal) (War Pensions and Armed Forces Compensation Chamber) Rules 2008

3.—(1) The Tribunal Procedure (First-tier Tribunal) (War Pensions and Armed Forces Compensation Chamber) Rules 2008(**c**) are amended as follows.

(**a**) 2007 c. 15. There are amendments to the Act but none is relevant to these Rules.
(**b**) S.I. 2008/2685, to which there are amendments not relevant to these Rules.
(**c**) S.I. 2008/2686, to which there are amendments not relevant to these Rules.

(2) In rule 35 (setting aside a decision which disposes of proceedings)—

(a) in paragraph (1) after "may" insert ", on the application of a party or on its own initiative,";

(b) after paragraph (3) insert—

"(4) If the Tribunal sets aside a decision or part of a decision under this rule, the Tribunal must notify each party in writing as soon as reasonably practicable.".

Amendments to the Tribunal Procedure (Upper Tribunal) Rules 2008

4.—(1) The Tribunal Procedure (Upper Tribunal) Rules 2008(**a**) are amended as follows.

(2) In rule 43 (setting aside a decision which disposes of proceedings)—

(a) in paragraph (1) after "may" insert ", on the application of a party or on its own initiative,";

(b) after paragraph (5) insert—

"(6) If the Upper Tribunal sets aside a decision or part of a decision under this rule, the Upper Tribunal must notify each party in writing as soon as reasonably practicable.".

Amendments to the Tribunal Procedure (First-tier Tribunal) (Health, Education and Social Care Chamber) Rules 2008

5.—(1) The Tribunal Procedure (First-tier Tribunal) (Health, Education and Social Care Chamber) Rules 2008(**b**) are amended as follows.

(2) In rule 35(5) (restrictions on disposal of proceedings without a hearing) for "Paragraph (3)" substitute "Paragraph (3)(b)";

(3) In rule 45 (setting aside a decision which disposes of proceedings)—

(a) in paragraph (1) after "may" insert ", on the application of a party or on its own initiative,";

(b) after paragraph (3) insert—

"(4) If the Tribunal sets aside a decision or part of a decision under this rule, the Tribunal must notify each party in writing as soon as reasonably practicable.".

Amendment to the Tribunal Procedure (First-tier Tribunal) (Tax Chamber) Rules 2009

6.—(1) The Tribunal Procedure (First-tier Tribunal) (Tax Chamber) Rules 2009(**c**) are amended as follows.

(2) In rule 38(1) (setting aside a decision which disposes of proceedings) after "may" insert ", on the application of a party or on its own initiative,".

Amendments to the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009

7.—(1) The Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009(**d**) are amended as follows.

(**a**) S.I. 2008/2698, to which there are amendments not relevant to these Rules.
(**b**) S.I. 2008/2699, amended by S.I. 2012/500 and 2024/1283.
(**c**) S.I. 2009/273, to which there are amendments not relevant to these Rules.
(**d**) S.I. 2009/1976, to which there are amendments not relevant to these Rules.

(2) In rule 41 (setting aside a decision which disposes of proceedings)—

(a) in paragraph (1) after "may" insert ", on the application of a party or on its own initiative,";

(b) after paragraph (3) insert—

"(4) If the Tribunal sets aside a decision or part of a decision under this rule, the Tribunal must notify each party in writing as soon as reasonably practicable.".

Amendments to the Tribunal Procedure (Upper Tribunal) (Lands Chamber) Rules 2010

8.—(1) The Tribunal Procedure (Upper Tribunal) (Lands Chamber) Rules 2010(**a**) are amended as follows.

(2) In rule 54 (setting aside a decision which disposes of proceedings)—

(a) in paragraph (1) after "may" insert ", on the application of a party or on its own initiative,";

(b) after paragraph (3) insert—

"(4) If the Tribunal sets aside a decision or part of a decision under this rule, the Tribunal must notify each party in writing as soon as reasonably practicable.".

Amendments to the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013

9.—(1) The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013(**b**) are amended as follows.

(2) In rule 51 (setting aside a decision which disposes of proceedings)—

(a) in paragraph (1) after "may" insert ", on the application of a party or on its own initiative,";

(b) after paragraph (3) insert—

"(4) If the Tribunal sets aside a decision or part of a decision under this rule, the Tribunal must notify each party in writing as soon as reasonably practicable.".

Amendments to the Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014

10.—(1) The Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014(**c**) are amended as follows.

(2) In rule 32 (setting aside a decision which disposes of proceedings)—

(a) in paragraph (1) after "may" insert ", on the application of a party or on its own initiative,";

(b) after paragraph (3) insert—

"(4) If the Tribunal sets aside a decision or part of a decision under this rule, the Tribunal must notify each party in writing as soon as reasonably practicable.".

(**a**) S.I. 2010/2600, to which there are amendments not relevant to these Rules.
(**b**) S.I. 2013/1169, to which there are amendments not relevant to these Rules.
(**c**) S.I. 2014/2604, to which there are amendments not relevant to these Rules.

We make these Rules

Mark Loveday
Matt Jackson
Susan Humble
Faridah Eden
Gillian Fleming
David Franey
Justice Joanna Smith
Angela Shields
M J Reed
Anne Scott
Tribunal Procedure Committee

1st May 2025

I allow these Rules
Signed by authority of the Lord Chancellor

Ponsonby
Parliamentary Under Secretary of State
Ministry of Justice

7th May 2025

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the tribunal procedure rules that apply in the First-tier Tribunal and Upper Tribunal, to expressly provide that the power to set-aside a decision of a tribunal which disposes of proceedings can be exercised by the First-tier Tribunal and Upper Tribunal, either on the application of a party or on the tribunals' own initiative. These amendments are made to clarify the tribunals' power to set-aside, following the decision of the Upper Tribunal in MA v Secretary of State for Work and Pensions [2020] UKUT 172 (AAC).

Additionally, rule 5(2) amends rule 35(5) of the Tribunal Procedure (First-tier Tribunal) (Health, Education and Social Care Chamber) Rules 2008 (S.I. 2008/2699) (restrictions on disposal of proceedings without a hearing) (as inserted by rule 4(2)(b) of the Tribunal Procedure (Amendment No. 2) Rules 2024) (S.I. 2024/1283) ("2024 Amendment No. 2 Rules") to narrow its application to hospital-based patients only. Currently, rule 35(5) provides that the Tribunal may not make a decision without a hearing on certain references, where the patient's case has not previously been considered by the Tribunal or where the patient's case was last considered by the Tribunal without a hearing. The amendment restores the right of community patients whose case has been referred to the Tribunal, to choose not to have a hearing of their reference in all circumstances, as was the case prior to amendments made by the 2024 Amendment No. 2 Rules.

No impact assessment has been carried out for these amendments as no, or no significant impact, on the private, voluntary, or public sectors is foreseen.

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