STATUTORY INSTRUMENTS

2026 No. 1084 (L. 16)

TRIBUNALS AND INQUIRIES

The Tribunal Procedure (Upper Tribunal) (Amendment) Rules 2026

Made - - - -	*12th October 2026*
Laid before Parliament	*16th October 2026*
Coming into force - -	*6th November 2026*

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, commencement and extent

1.—(1) These Rules may be cited as the Tribunal Procedure (Upper Tribunal) (Amendment) Rules 2026 and come into force on 6th November 2026.

(2) Any amendment made by these Rules has the same extent as the provision amended.

Amendments to the Tribunal Procedure (Upper Tribunal) Rules 2008

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

(2) In rule 21(3) (application to the Upper Tribunal for permission to appeal), before sub-paragraph (b) insert—

> "(ac) in the case of an application under section 168(1) of the Online Safety Act 2023(**c**), 3 months after the date on which notice of the decision being challenged was published by OFCOM in accordance with the relevant provisions of that Act;".

(3) In rule 28A (special provisions for immigration judicial review proceedings)—

(a) after paragraph (1) insert—

> "(1A) Where the Upper Tribunal accepts an application under paragraph (1), it must seal the application and send it to the applicant.";

(**a**) 2007 c. 15. Paragraph 4(2) of Schedule 4 to the Judicial Review and Courts Act 2022 (c. 35) sets out an amendment to section 22 which is not yet in force.
(**b**) S.I. 2008/2698; relevant amending instruments are S.I. 2011/2343, 2012/2890, 2013/2067.
(**c**) 2023 c. 50.

(b) in paragraph (2)—

(i) for the words before sub-paragraph (a), from "Within" to "provide—" substitute "Within 9 days after the date on which the Upper Tribunal sent the application to the applicant under paragraph (1A), the applicant must provide—";

(ii) in sub-paragraph (a), after "a copy of the" insert "sealed".

(4) After rule 29 (acknowledgement of service) insert—

"Reply to acknowledgment of service

29A.—(1) An applicant may provide to the Upper Tribunal a reply to any acknowledgement of service.

(2) Any reply must—

(a) be provided to the Upper Tribunal no later than 7 days after a copy of the acknowledgment of service is sent or provided to the applicant; and

(b) comply with the requirements of any practice direction as to its content and length.

(3) The applicant must provide a copy of any reply to—

(a) the respondent; and

(b) any person who has been sent or provided with a copy of the application for permission under rule 28(8) or 28A(2)(a),

as soon as reasonably practicable and in any event no later than 7 days after the reply is provided to the Upper Tribunal.

(4) The time limits under this rule may not be extended by agreement between the parties.".

(5) In rule 40 (decisions), omit paragraphs (1A) and (1B).

(6) In rule 44 (application for permission to appeal), after paragraph (4B) insert—

"(4BA) Where a decision that disposes of immigration judicial review proceedings is not given at a hearing, a party may apply in writing for permission to appeal, and the application must be received by the Upper Tribunal no later than twelve working days after the Upper Tribunal sent notice of its decision to that party.".

We make these Rules

Lord Justice Ian Dove
Faridah Eden
David Franey
Sean O'Brien
Jonathan Dobson
Matt Jackson
Sanaz Saifolahi
Mark Blundell
Peace Egbulefu
8th October 2026 Tribunal Procedure Committee

I allow these Rules
Signed by authority of the Lord Chancellor

Sarah Sackman
Minister of State
12th October 2026 Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Tribunal Procedure (Upper Tribunal) Rules 2008 (S.I. 2008/2698), which govern the practice and procedure to be followed in the Upper Tribunal (other than the Lands Chamber of the Upper Tribunal), to—

- specify that an appeal under section 168(1) of the Online Safety Act 2023 (c. 50) must be brought no later than 3 months after the date on which OFCOM publishes the decision being appealed;
- require the Upper Tribunal in immigration judicial review proceedings to seal an application after it is accepted under rule 28A(1);
- require the applicant in immigration judicial review proceedings to provide a copy of the sealed application to any respondent or interested party;
- enable an applicant in judicial review proceedings to provide a reply to an acknowledgment of service provided under rule 29;
- enable the Upper Tribunal to give a decision disposing of immigration judicial review proceedings other than at a hearing, and where a decision is not given at a hearing, a party may make a written application for permission to appeal, no later than 12 working days after the Upper Tribunal sent notice of its decision to that party.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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ISBN 978-0-34-828778-3

£6.40

http://www.legislation.gov.uk/id/uksi/2026/1084

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