

October 2025

Tribunal Procedure Committee

Reply to Consultation on possible changes to Rule 7(6) of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 (Service of Directions)

Introduction

1. The Tribunal Procedure Committee (“the TPC”) is the body that makes Rules that govern practice and procedure in the First-tier Tribunal (“the FTT”) and in the Upper Tribunal (“the UT”). The TPC is established under section 22 of, and Schedule 5 to, the Tribunals, Courts and Enforcement Act 2007 (“the TCEA”). The Employment Tribunals fall outside the FTT and UT Chambers. Responsibility for their rules, however, was transferred to the TPC (and for national security rules, to the Lord Chancellor) by the Judicial Review and Courts Act 2022 from 25 April 2024.
2. Under section 22(4) of the TCEA, power to make Tribunal Procedure Rules is to be exercised with a view to securing that:
 - a. in proceedings before the First-tier Tribunal and Upper Tribunal, justice is done;*
 - b. the Tribunal system is accessible and fair;*
 - c. proceedings before the First-tier Tribunal or Upper Tribunal are handled quickly and efficiently;*
 - d. the rules are both simple and simply expressed; and*
 - e. the rules where appropriate confer on members of the First-tier Tribunal, or Upper Tribunal, responsibility for ensuring that proceedings before the Tribunal are handled quickly and efficiently.*
3. When making rules, the TPC seeks, among other things, to:
 - a. make the rules as simple and streamlined as possible;
 - b. avoid unnecessarily technical language;
 - c. enable tribunals to continue to operate tried and tested procedures which have been shown to work well; and
 - d. adopt common rules across tribunals where appropriate.
4. The TPC also has due regard to the public sector equality duty contained in section 149 of the Equality Act 2010 when making rules.

5. Further information on the TPC can be found at our website: <https://www.gov.uk/government/organisations/tribunal-procedure-committee>

The Consultation

6. The TPC consulted on possible changes to Rule 7 of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 (“the Rules”) to provide for service of the Tribunal’s directions by a party on the other party or parties. The link to the Rules can be found here: [Property Chamber tribunal procedure rules - GOV.UK](#).
7. The consultation ran between 14 May 2025 and 9 July 2025. The consultation, which includes relevant extracts from the Property Chamber procedural rules, can be found here: [Possible changes the Property Chamber Rules - GOV.UK](#)
8. The TPC’s consideration of the current effect of Rule 7 was prompted by the UT’s decision in *Wyldecrest Parks Management Limited* [2024] UKUT 402 (LC)¹. The UT concluded that the FTT does not have power to direct a party to send out the FTT’s directions to the other parties. The effect of Rule 7(6) as currently drawn is positively to require the FTT itself to send out its own directions to the parties. The UT considered the decision (also of the UT) in *Iris Hyslop v 38/41 CHG Residents Co Limited* [2017] UKUT 0398 (LC)². *Hyslop* concerned directions made by the FTT to one party to deliver to the other parties: (a) the notice of application which included directions; (b) the Tribunal’s final decision. *Hyslop* did not concern a direction by the FTT to one party to deliver to the other parties the FTT’s directions as a standalone document.
9. The Chamber President of the Property Chamber expressed concern to the TPC that the practicalities and resource effect of the decision in *Wyldecrest* could be far-reaching, affecting as it does what was a long-standing practice of the FTT. The TPC recognised and shared that concern.
10. The TPC therefore proposed to change Rule 7(6), to be consistent with the decisions in both *Hyslop* and *Wyldecrest*, by making Rule 7(6) expressly subject to a new Rule 7(6A), to read as follows:

“(6A) The Tribunal may direct that a party to proceedings must send any notice given under paragraph (6) to every party and to any other person affected by the direction, and the date that a party sends notice under this paragraph is deemed to be the date that the Tribunal sent notice under paragraph (6) to that party or as otherwise determined by the Tribunal.”

Response to the Consultation and Conclusions

11. There were **2** respondents to the consultation, set out in Annex A. The TPC thanks those respondents for their contributions to the consultation process.

¹ [LC-2024-727 WRs remade.docx](#)

² <https://landschamber.decisions.tribunals.gov.uk/judgmentfiles/j1369/LRX-125-2016.pdf>

12. The questions raised in the consultation are listed below, with a summary of the responses, followed by the TPC's conclusions which are at paragraphs [27]-[30] inclusive.

Question 1: Do you agree that change to the Rules is desirable because of the effect of the decision in Wyldecrest? If not, why not?

13. One respondent the Chartered Institute of Legal Executives (CILEX) agreed that change to the Rules was desirable because of the effect of the decision in *Wyldecrest*. They expressed their belief that the Tribunal should have a discretion to be able to dispense with service as needed. They were aware that, in many circumstances, it may not be practical for the Tribunal to serve on all parties. They stated their understanding that appropriate recourse mechanisms are already in place should a serving party not abide by the Tribunal's directions in this regard. Current enforcement measures are sufficient and do not require review under this proposal.
14. One respondent the Park Homes Policy Forum disagreed that change to the Rules was desirable for reasons described in answer to questions 3 and 5 below. Their views are provided under those question headings.

Question 2: Do you agree with the proposed change to Rule 7 by the addition of new Rule 7(6A) set out in paragraph 23 of the consultation? If not, why not?

15. One respondent CILEX agreed with the proposed change to Rule 7 by the addition of new Rule 7(6A) as set out in paragraph 10 above (paragraph 23 of the consultation). They described the change as reasonable and proportionate.
16. One respondent the Park Homes Policy Forum disagreed with the proposed change and gave their reasons in their answers to questions 3 and 5, provided below.

Question 3: Do you have suggestions for alternative drafting of new Rule 7(6A)? Please explain your reasons.

17. One respondent CILEX did not make suggestions for alternative drafting of the new Rule 7(6A). They considered it crucial that any drafting provided the Tribunal with sufficient discretion to determine whether service should or should not be effected on a case-by-case basis. The respondent considered it essential that the Rule is not applied in an overly formulaic way, not used purely as a mechanism for administrative efficiency across the board.
18. One respondent the Park Homes Policy Forum drew attention to their position as a lay person frequently involved in Tribunal procedures in matters relating to a particular type of home. Applying their understanding and interpretation of these matters, they saw no reason to change the current procedure. They referred to Rule 6. In their view, Tribunals are afforded with a range of case management powers, which should be retained as they are not operating within a 'one rule fits all' landscape.
19. The TPC confirms that the proposed Rule 7(6A) supports and enhances the Tribunal's existing wide discretion to manage cases in accordance with the Tribunal's overriding

objectives. The introduction of Rule 7(6A) does not diminish the Tribunal's current powers. Administrative efficiency is a consideration. However, there is no administrative requirement imposed on a Tribunal to make a direction for service by a party on other parties under proposed Rule 7(6A) in every case. The Rule gives the Tribunal the power to do so on a case-by-case basis where the Tribunal decides it is necessary. Respondents are correct in observing that no change to existing powers to enforce compliance with directions is proposed.

Question 4: Do you consider that there is a risk that the Tribunal's independence will be compromised, or justifiably seen to be compromised by the addition of new Rule 7(6A)? Is there an alternative approach that would reduce that risk?

20. One respondent CILEX expressed understanding of the fear relating to compromising Tribunal independence and agreed that the independence of the Tribunal was paramount in upholding the rule of law and ensuring access to fair justice. Not only must these values be upheld, but they must be seen to be upheld to retain the confidence of the parties and the public. Whilst appreciating such concerns, they did not envisage the Tribunal's independence being compromised as a direct result of the proposed changes with the appropriate guidance. They referred to their belief that practice guidance on criteria published by the Tribunal could mitigate most risks. Practice guides could outline principles and considerations of application for service under Rule 7(6A). Their hope was that such practice guides would enhance transparency and reinforce confidence that discretion will be exercised judicially and fairly. Other considerations included collecting data through monitoring and reporting, to evaluate the effectiveness and impacts of Rule 7(6A); they appreciated that the benefits of their proposal were longer term and required additional administrative resources.
21. One respondent did not express an opinion.
22. The TPC is reassured that the risk of actual or perceived compromise of the Tribunal's independence is likely to be minimal. Such risk, if any, can be effectively managed by the Chamber President and Tribunal Judges. The production of Practice Guidance is a matter for the Chamber President and is not within the scope of the TPC's jurisdiction.

Question 5: Do you have any other comments?

23. One respondent repeated their view that, considering the decision in *Wyldecrest*, the proposed changes to Rule 7(6) were proportionate and reasonable.
24. One respondent quoted paragraph 12 of the consultation which referred to the UT's decision in *Hyslop*. The respondent briefly summarised events surrounding service of the application and directions on Ms Hyslop and the consequences arising from those events.
25. The respondent expressed their suspicion that Tribunal cases usually involved landlords who endeavoured to comply with all directions. However, in their view, there are identifiable 'rogue landlords where honesty and transparency cannot be relied upon'. Tribunals should, therefore, retain the discretion to be exercised in the circumstances

they face. If there was a perceived risk of non-compliance with directions, the Tribunal should retain the option of retaining full procedural controls whilst being afforded the necessary flexibility to relinquish some where there was perceived confidence in the conduct of the parties. It was already clear that the justice system is underfunded in relation to the volume of its work. The timeframes incurred between applications and hearing are already under pressure and any change that added to those timeframes and costs to the system will be counterproductive. The respondent provided an example from the park home market where they have experience of assisting residents nationwide. They described a simple pitch fee review at one site where, almost 12 months later, no hearing date had been set. The respondent commented that any change that added to the time and costs burdens could not be seen as desirable if it could be avoided.

26. The TPC does not seek to make rule changes which will add to resource burdens. Matters relating to resourcing are outside the TPC's jurisdiction. The proposed change is intended to enhance existing case management powers and to assist the FTT Judges in the exercise of their discretion with the overriding objectives firmly in mind.

TPC Conclusions with Reasons

27. The TPC has carefully considered and discussed both responses.
28. Overall, the TPC has concluded that it is appropriate to make the proposed change to Rule 7 as described in the consultation, with the addition of the word '**other**', to make clear that service by a party is on every **other** party. Rule 7(6A) will, therefore, read as follows:
- "(6A) The Tribunal may direct that a party to proceedings must send any notice given under paragraph (6) to every **other** party and to any other person affected by the direction, and the date that a party sends notice under this paragraph is deemed to be the date that the Tribunal sent notice under paragraph (6) to that party or as otherwise determined by the Tribunal."*
29. The change reflects and formalises long-standing practice within the Property Chamber which, in the view of the Chamber President and Judges, has practical and resource benefits to Tribunal users. The solution proposed is simple and simply expressed. It enables the Property Chamber to continue to operate a tried and tested procedure which, in the view of that Chamber, has been shown to work well. Importantly, there is no reduction in the responsibility conferred on Tribunal members for ensuring that proceedings before the Tribunal are handled quickly and efficiently whilst remaining accessible and fair. The case management powers remain wide and flexible and will continue to be applied in the discretion of the Tribunal on a case-by-case basis.
30. The consultation included examples where the notice of direction under proposed Rule 7(6A) could be further extended on a case-by-case basis at the FTT's discretion and/or on application by one or more parties. The existing case management powers within the Rules will remain available to the Tribunal for use. The addition of Rule 7(6A) enhances those existing powers.

Keeping the Rules under Review

31. The remit of the TPC is to keep the Rules under review. Please send any suggestions for further amendments to the Rules to:

a. Email: tpcsecretariat@justice.gov.uk

b. Post: Tribunal Procedure Committee
Civil, Family, Tribunals & Administration of Justice Directorate
Ministry of Justice
Post Point: Area 7C.255
102, Petty France
London
SW1H 9AJ

Annex A

Annex A - List of Respondents to the Consultation (published on 14 May 2025)	
1.	The Chartered Institute of Legal Executives
2.	Park Homes Policy Forum