

## **Tribunal Procedure Committee (TPC) Meeting Minutes**

**Friday 21 November 2025**

**Meeting (Hybrid) at Royal Courts of Justice, Strand, London**

### **Present**

- Lord Justice Ian Dove (ID)
- Michael Reed (MJR)
- Susan Humble (SH)
- Gillian Fleming (GF)
- David Franey (DF)
- Anne Scott (ASC)
- Mark Blundell (MB)
- Sean O'Brien (SOB)
- Angela Shields (AS)
- Faridah Eden (FE)
- Razana Begum (RB)
- Shane O'Reilly (SOR)
- Vijay Parkash (VP)
- Hanna Polanszky (HP)

### **Apologies**

- Philip Brook Smith (PBS)
- Matt Jackson (MJ)
- Mark Loveday
- Catherine Gaskell (CG)

### **Guests**

- Gareth Wilson (GW)
- Gareth McMahon (GM)

## Minutes

### **1. Introductory Matters**

#### TPC Appointments

##### Expression of interest- First-tier Tribunal judicial member

- 1.1. ID reported that the expression of interest (EOI) recruitment exercise for the First-tier Tribunal (FtT) Judge Member of the TPC closed on Friday 10 October 2025. 5 applications were received, and the sifting process is now underway.
- 1.2. ID noted that the EOI advertisement for appointing a new Immigration and Asylum Chamber (Upper Tribunal) liaison judge to the Committee is still in progress and confirmed that he will follow up the appointment matter with President of the Immigration and Asylum Chamber of the Upper Tribunal (UT) to expedite the matter.

#### **First-tier Tribunal (Immigration and Asylum Chamber) Liaison Judge role**

- 1.3. ID informed the TPC that Judge Philips has retired from his advisory role on the TPC, where he served as the FtT (Immigration and Asylum Chamber (IAC) liaison representative. Judge Wilson has been appointed as his successor and will assume responsibility for immigration matters as the FtT (IAC) Liaison Judge to the TPC, with Judge McMahon acting as his deputy.

#### Preliminary matters

- 1.4. The draft minutes of the 02 October 2025 TPC meeting had been formally approved by the TPC. The document would be published on the government website in due course.

**AP/73/25:** Publish the minutes of 02 October 2025 TPC meeting –**Secretariat**

**AP/74/25:** To follow up with President of the UT(IAC) to expedite the publication of the EOI advertisement for the appointment of a new UT (IAC) liaison judge to the Committee – **ID**

## **2. Rule Changes on ‘Written Reasons and Practice Directions in the First-tier Tribunal’**

- 2.1. ID invited the attendees to provide observations on the approach to finalise the drafting exercise on the ‘written reasons’ consultation reply. SOR highlighted an issue concerning the proposed draft rules for the General Regulatory Chamber (GRC) noting that the draft statutory instrument (SI) does not fully reflect what was proposed in the written reasons consultation paper and appears to replace, rather than supplement, the intended use of a planned accompanying judicial practice direction. Reference was made to the introduction of the new draft rule, which requires the Tribunal to give directions allocating a case to a specific track. This differs from the proposed approach consulted on by the TPC.
- 2.2. The TPC discussed the matter extensively and considered whether the drafting created any practical or operational concerns to the judicial and administrative work of the GRC. MJR explained the background to the planning approach to draft the new amendments and noted that the draft rules originally consulted on had been provided by the former Senior President of Tribunals, with the agreement of the Tribunal Chamber Presidents.
- 2.3. MJR further explained that the intention had been to model the amendments for the GRC case track allocation system on the approach used for allocating cases in the FtT (Tax Chamber). In the Tax Chamber the practice for the allocation of case categories is guided by an associated practice direction and carried out initially by delegated tribunal legal officers rather than through routine judicial directions.
- 2.4. RB advised that the divergence seems to have arisen during the drafting of the SI. To accommodate the complexities of the GRC’s “incomplete application” process, the drafting lawyer attempted to link allocation of the case category to a defined procedural trigger. In doing so, the rule amendment inadvertently superseded the practice direction model that had been consulted upon.
- 2.5. The TPC agreed that a meeting should be arranged as soon as practically possible, during week commencing 25 November 2025. The attendees should comprise MJR, RB, SOR and the GRC Chamber President, in

order to resolve the concerns about how the perceived system would work in practice.

- 2.6. The TPC agreed that this matter should be resolved before the next meeting on 4 December 2025. Should the issue remain unresolved, subject to the outcome of these discussions, the remainder of the agreed amendments should be taken forward to avoid any slippage/delay to laying the planned SI.

**AP/75/25:** To consult with the GRC President, MJR and RB to resolve the GRC track allocation issue and report back the outcome to the TPC on 4 December-SOR.

### **3. Employment Tribunals (ET) Subgroup**

- 3.1. MJR provided an update on the drafting progress for the draft ET Rules consultation response document exercise, outlining the significant developments since the 03 July 2025 meeting. ID invited the attendees to offer any further observations and views.
- 3.2. The TPC confirmed there were no further observations on the latest version of the draft consultation reply and agreed that the Secretariat should make the necessary arrangements for the document to be published on the government website.

**AP/76/25:** To arrange publication of the ET Rules consultation reply - Secretariat

### **4. Immigration and Asylum Chamber Subgroup**

- 4.1. No substantive matters were discussed.

### **5. GTCL Subgroup**

*Electronic Communications Code (Section 65 of the Product and Security and Telecommunications Infrastructure Act 2022 – proposed transfer of jurisdiction from the County Court to the First-Tier Tribunal)*

- 5.1. The TPC discussed a rule amendments proposal submitted by the Department for Science, Innovation & Technology (DSIT), following the

matter being initially discussed at the 02 October 2025 meeting. The proposal concerned DSIT's policy intention to introduce regulations transferring jurisdiction from the County Court to the FtT or the UT for certain tenancies falling under the Landlord and Tenant Act 1954, further to the conferral of the necessary enabling power under Section 65 of the Product Security and Telecommunications Infrastructure Act 2022.

- 5.2. ID provided an overview of the issues set out in the note prepared by ML. ML highlighted in his note the principal matters requiring the TPC's consideration, including: i) the appropriate timing of the rule change to be introduced, ii) the operational readiness of the FtT/HMCTS following the transfer of the jurisdiction, iii) the prioritisation of this work alongside existing TPC commitments, and iv) an assessment of whether public consultation was warranted.
- 5.3. The TPC noted that, before making a final decision on the proposed amendments and proceeding to consultation, the most appropriate course of action would be to request further details/information from DSIT. This additional information would help the TPC to better understand DSIT's implementation plans and the timescales within which legislative changes were expected to be introduced.
- 5.4. The TPC agreed to invite DSIT officials to attend the meeting on 4 December so that the TPC could explore any outstanding questions directly with them.

**AP/77/2025** - To invite DSIT policy officials to the 04 December TPC meeting –  
**VP**

**AP/78/2025** - To add the topic 'transfer of jurisdiction from the County Court to the FtT for certain cases under the Landlord and Tenant Act 1954' as an agenda item for the 04 December TPC meeting -**Secretariat/VP**

**Financial Conduct Authority proposal to amend Upper Tribunal rules  
(Financial Services and Markets Act 2000- consumer redress schemes)**

- 5.5. ID referred to the proposal from the Financial Conduct Authority requesting the TPC to amend the UT procedure rules applicable to challenges arising from consumer redress schemes made under the Financial Services and Markets Act 2000.

- 5.6. The TPC discussed the matter in depth, assessing the level of urgency to amend rules, while recognizing that a rules clarification would be desirable.
- 5.7. The TPC agreed that the proposal for rule changes would require a public consultation. Accordingly, that the proposal will be added to the TPC work program and scheduled for further consideration by the Committee in due course.

**AP/79/2025** - To report to Ofcom/ DSIT, the TPC's decision that they will be consulting on their rule amendments proposals- **VP**

**AP/80/2025** – i) To draft a consultation paper 'Online Safety Act 2023 and proposed changes to the Tribunal Procedure (Upper Tribunal) Rules 2008'. ii) To provide an update on its progress at the 04 December 2025 meeting - **FE**

#### **Renters' Rights Act 2025**

- 5.8. The TPC received a briefing note from Ministry of Housing, Communities & Local Government (MHCLG) setting out its proposals for amendments to the Property Chamber Rules required to support the implementation of the Renters' Rights Act 2025 ("the Act"). The note outlined the legislative changes introduced by the Act and the consequential modifications needed to ensure that the current Property Chamber Procedure Rules remain operationally effective once the new statutory framework comes into force.
- 5.9. MHCLG advised that, for operational and policy coherence, it wished the commencement of the relevant rule amendments relating to the Property Chamber, to align with the anticipated Spring 2026 commencement date for the TPC's forthcoming amendments SI. The TPC noted the request and acknowledged the importance of aligning the two SI commencement dates to avoid gaps in procedural coverage and to ensure a smooth transition for tribunal users and the judiciary.

**AP/81/2025** - To report to MHCLG policy officials the TPC's decision regarding their proposed changes to the Property Chamber Procedure Rules to accommodate the Renter's Rights Act 2025 – **Secretariat/VP**

*Direction for Service by Parties' in the Property Chamber (FtT) concerning an addition to rule 7 of the Property Chamber Procedure Rules- correspondence to TPC from the Park Homes Policy Forum*

- 5.10. The TPC received a submission from the Park Homes Policy Forum (PHPF) regarding the closed consultation on the proposed amendment to Rule 7(6) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013.
- 5.11. The PHPF raised concerns that requiring a party to serve tribunal directions could create risks of non-compliance, procedural unfairness, or misuse, particularly in cases involving vulnerable or unrepresented park home residents. It argued that responsibility for service should remain with the tribunal. The submission noted the limited number of consultation responses and suggested that wider engagement may be appropriate.
- 5.12. The TPC considered the representation received from PHPF but found no reason to change their decision to amend rule 7(6).

**AP/82/2025** - To reply to the Park Homes Policy Forum advising the TPC's decision. – **VP**

**6. Costs Subgroup**

*Interest on costs, payments on account of costs & pro-bono costs awards & costs in the Lands Chamber of the Upper Tribunal*

- 6.1. RB provided an overview of her observations on the latest version of the draft 'Costs in Tribunals' consultation paper addressing three ancillary aspects of costs: i) pro bono costs, ii) interest on costs, and iii) payments of costs.
- 6.2. The TPC considered the document and noted that some aspects of the drafting, including one of the questions, could benefit from further clarification to ensure it accurately reflects the underlying costs position.
- 6.3. The attendees agreed that the question should be reviewed and refined, and that a small number of drafting adjustments would be appropriate. The secretariat will relay these observations to MJ, and a revised version will be brought back to the TPC at the meeting on 4 December 2025 for

further consideration by the TPC, with a desired aim to sign off the document at the meeting.

**AP/83/2025:** To send MJ any suggested track changes and comments to the draft Costs consultation paper.

## **7. HSW Sub-group**

7.1. No substantive matters were discussed.

## **8. Tribunal Procedure (Amendment No. 2) Rules 2025 SI Exercise**

8.1. The TPC reviewed the proposed amendments for inclusion in the Winter 2025 TPC (Amendment No. 2) Rules SI package:

- Written reasons for decisions and related case-management measures.
- Further amendments to the Employment Tribunals Procedure Rules 2024.
- Amendments to the Health, Education and Social Care Chamber Rules 2008 to permit Special Educational Needs appeals to be determined on the papers without the consent of both parties.

8.2. SH asked whether there was scope to include the 'Direction for Service by Parties' in the Property Chamber amendment rules' within the upcoming TPC (Amendment No. 2) Rules SI package. RB advised that, owing to time constraints for necessary legal checks to be conducted appropriately and the scheduling of the current TPC SI package, this amendment addition would not be possible.

8.3. ID queried the legislative timing for when the TPC SI could be laid before Parliament. RB advised that, subject to final instructions from the relevant Subgroup Chairs and subsequent legal checks by the SI hub, her provisional view was that the TPC SI was expected to be ready for signing in mid-January 2026 at the earliest, or more realistically during February 2026. The anticipated in-force date would be 21 days after the SI had been laid before Parliament. The TPC agreed to return to this matter at the 04 December 2025 meeting to confirm the laying date approach, informed by further advice from RB and the SI Hub regarding legal capacity and the timing of the remaining legal scrutiny work.



- 8.4. RB outlined the stages of the legal and related procedural clearance process and noted that the position would become clearer in December 2025 (once the remaining drafting instructions steps and legal checks had progressed further).

## **9. TPC Overview Subgroup**

- 9.1. The updated TPC work programme was noted by the TPC.

## **10. Online Rules Procedure Committee**

- 10.1. ID updated the TPC on emerging work within the Online Procedure Committee of which he is a member, and indicated that developments in this area may, in due course, have some interaction with the current set of Tribunal Rules. ID suggested that the TPC may wish to remain mindful of this as the tribunal procedure progresses.

## **11. Contempt of Court**

- 11.1. MB provided an overview for the background on the 'contempt of court' matter. He said that a note prepared by Lord Justice Edis was discussed at the 03 July 2025 TPC meeting which sought the TPC's view/co-operation on the matter of 'Contempt of Court and potential changes to the Tribunals Rules' in light of the Law Commission's 2024 consultation on contempt.
- 11.2. Lord Justice Edis had sought the TPC assistance to produce a note outlining the current position and issues to be addressed, including a list of legislative changes desired by each FtT and UT chamber jurisdiction for the next scheduled working group meeting on 19 January 2026.
- 11.3. MB agreed to lead on preparing a paper to present to TPC on 4 December 2025.

**AP/84/2025:** To produce a note outlining current position and issues to overcome, including a list of legislative changes desired by each tribunal chamber jurisdiction. - **MB**

## **12. Future Plans**

- 12.1. ID invited the TPC to consider possible adjustments and areas for improvement to the current processes and working practices used to

support the preparation of consultation documents and consultation response documents.

- 12.2. He suggested meeting with the Subgroup Chairs in the coming weeks to explore this further. ID proposed that a judicial legal support assistant, working under the direction/supervision of TPC members, could assist with managing the ongoing TPC's workload and rolling work programme.
- 12.3. The TPC welcomed the suggestion and noted that a judicial legal assistant resource may be well placed to provide this type of drafting support given their legal training and familiarity with procedural matters for their designated tribunal chamber.
- 12.4. SH suggested that TPC consultation templates could be developed/enhanced to support a more streamlined approach. The TPC agreed that simplifying and standardising the consultation process would be beneficial and efficient, and ID invited SH to work with judicial support colleagues to provide instructions for the development of a template.
- 12.5. ID also noted that he will be meeting with the Tribunal Chamber and ET Presidents to discuss their future priorities for rule changes and to understand which areas they consider would best support the effective operation of their tribunals.

**AP/85/2025:** To develop a standardised consultation and response template – SH

**AP/86/2025:** To set up meeting with TPC Subgroup Chairs – ID

### **13. AOB**

- 13.1. ID presented proposed meeting dates for the TPC 2026 meeting cycle, covering the period from February to July 2026. Members noted the suggested provisional dates and agreed that these should be circulated by the secretariat for confirmation.
- 13.2. MJR provided an update on the position regarding the need to update the present Employment Appeal Tribunal (EAT) Rules, noting recent informal discussions with the EAT President. MJR explained that the EAT President is currently in a difficult position, as responsibility for the EAT Rules is expected to transfer from the Lord Chancellor to the TPC, although the timing for this rules responsibility transfer has not yet been

formally agreed, creating ongoing judicial uncertainty. The EAT President has expressed a strong desire for progress on EAT rule changes and identified the current 'Sift' arrangements as a particular impediment to productivity. MJR observed that a full rewrite of the EAT Rules would be a significant TPC and legal resource undertaking, given both the lengthy age of the existing EAT rules and the later judicially created elements that would need to be incorporated. The TPC acknowledged that, in the medium term, it will be necessary either for the TPC to assume responsibility for this drafting work or to indicate at a senior departmental level that it does not have the capacity to do so.

- 13.3. ID said he intends to meet the EAT President to clarify priorities, assess the urgency of the proposed reforms and likely timescales, and consider how progress can be made moving forward.

**AP/87/2025:** To circulate the proposed meeting dates in 2026 to TPC members – **Secretariat**

**AP/88/2025:** To update the TPC subgroup chart to reflect the current membership and responsibilities – **HP**

**Next Meeting: 4 December 2025**