

Tribunal Procedure Committee (TPC) Meeting Minutes

Friday 4 December 2025

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

Minutes

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 (AZS)
- Faridah Eden (FE)
- Matt Jackson (MJ)
- Charlotte Wright (CW)
- Razana Begum (RB)
- Shane O'Reilly (SOR)
- Vijay Parkash (VP)
- Hanna Polanszky (HP)

Apologies

- Mark Loveday (ML)
- Philip Brook Smith (PBS)
- Catherine Gaskell (CG)

Guests

- Gareth Wilson (GW)
- Gareth McMahon (GM)
- Joanna Rodin (Department for Science, Innovation & Technology)
- Andras Sata (Department for Science, Innovation & Technology)
- Kamal Ahmed (Department for Science, Innovation & Technology)

1. Introductory Matters

- 1.1. ID welcomed CW to her inaugural TPC meeting. CW would be attending TPC meetings on behalf of CG in her capacity as a senior MoJ legal adviser providing legal consultatory support to the TPC in addition to RB.

Appointments to the TPC

Expression of interest- First-tier Tribunal judicial member

- 1.2. 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 to appoint a FtT TPC member is now underway. Interviews for the applicants have been scheduled for early January 2026; however, it is unlikely that the new members will be in post in time for the next scheduled meeting on 2 February 2026. The successful applicants are, however, expected to be confirmed ahead of the February meeting.
- 1.3. ID noted that the EOI advertisement for appointing a new Immigration and Asylum Chamber (Upper Tribunal (UT) liaison judge to the TPC has been internally published on judicial communication channels. The TPC can expect further a progress update from ID in due course.

Preliminary matters

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

AP/89/25: Publish the approved minutes of 21 November 2025 TPC meeting –
TPC Secretariat

2. GTCL Subgroup

Electronic Communications Code - proposed transfer of jurisdiction from the County Court to the First-tier Tribunal, for certain tenancies under Part 2 of the Landlord and Tenant Act 1954, under section 65 of the Product and Security and Telecommunications Infrastructure Act 2022

- 2.1. The TPC, previously discussed at the November 2025 meeting rule amendments proposal submitted by the Department for Science,

- Innovation & Technology (DSIT). The proposal concerned DSIT's intention to introduce regulations under Section 65 of the Product Security and Telecommunications Infrastructure Act 2022 ("PSTIA") to transfer jurisdiction from the County Court to the FtT or the UT certain tenancies falling under the Landlord and Tenant Act 1954 ("LTA"), that relate to agreements conferring Code rights.
- 2.2. At the TPC's request, DSIT policy officials were invited to join the meeting to explain DSIT's implementation plans and the timescales within which legislative and planned administrative changes were expected to be introduced. DSIT policy and legal officials joined the meeting :Joanna Rodin (JR), Andras Sata (AS) and Kamal Ahmed (KA).
 - 2.3. JR thanked the TPC for the opportunity to outline the proposals; and an overview was provided on Section 65 of PSTIA. It was conveyed that the legislation builds on earlier DSIT framework reforms aimed at ensuring compliance with security requirements for relevant connectable products. Transferring telecommunications disputes to the First-tier Tribunal (FtT), with the desired aim of improving consistency, improved efficiency for tribunal users and the use of specialist judicial expertise to hear these specific cases.
 - 2.4. JR explained that Section 65 of the PSTIA supports alignment between telecommunications lease renewals under the LTA and existing tribunal-administrative based processes. The intention is to ensure comparable disputes are handled consistently in an appropriate justice forum.
 - 2.5. On the rule for the Tribunal conferring costs awards to parties involved in the tribunal proceedings, JR clarified that no modification to the existing chamber costs regime is being pursued by DSIT. The policy aim is to preserve the current position for the Tribunal to award costs following transfer of jurisdiction, with costs expected to be awarded only in limited and established circumstances. A procedural change is considered required, to ensure continuity once cases move to the tribunal from the County Court. JR noted the potential impact on tribunal workload, including the likelihood of an initial spike in cases being received by the Tribunal. Ongoing engagement with the MoJ and HMCTS was confirmed. The administrative and implementation changes required to be undertaken were described as minor, consequential and time sensitive.
 - 2.6. MJ raised concerns about whether consultation by the TPC may be required in light of uncertainty around the current costs position for

relevant LTA telecommunications cases in the County Court. It was noted that the available HMCTS statistical data does not currently identify the track allocation for these cases, making it difficult to establish whether they are typically costs award-bearing. AS confirmed that he understood that the County Court IT case management system do not enable telecoms-related cases under the LTA to be readily identified or categorised. As a result, the current position on track allocation and the associated costs position cannot be reliably determined.

- 2.7. The TPC considered whether the proposed costs rule change would be purely technical or could result in a substantive change in practice, particularly in light of the tribunal's broader costs powers compared to the civil courts. Members noted that, without clarity on the existing position, it was difficult to conclude that the proposals would simply preserve the status quo.
- 2.8. DSIT confirmed that it has engaged with the Chamber President of the Property Chamber (FtT) on the proposed rule changes and associated Practice Direction, with an indicative implementation timeframe of spring 2026. DSIT policy officials left the meeting.
- 2.9. Following further discussion, the TPC agreed in principle that a rule change is likely to be required. However, TPC members considered that further information and engagement were needed before determining whether a public consultation exercise was required. The matter is to be revisited at the February 2026 meeting.

AP/90/25: To update DSIT policy officials on the outcome of the TPC's discussion in regard to progressing the proposed rule change and possible consultation – **VP**

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

- 2.10. SH updated the TPC on the correspondence received and discussed at the previous meeting concerning Park Homes Policy Forum. No further correspondence has been received, and SH noted that the TPC's position had been clearly communicated to the correspondent. On this basis, the TPC noted the matter be regarded as closed.

3. Rule Changes on 'Written Reasons and Practice Directions in the First-tier Tribunal'

- 3.1. MJR provided an update on the ongoing drafting exercise and the unresolved issues that required the TPC's urgent attention, specifically the coordination of the drafting amendments to rule 38 of the General Regulatory Chamber (GRC) Procedural Rules with the drafting of the proposed accompanying GRC Practice Direction (PD).
- 3.2. It was noted that the current premise was for the GRC Rules to be amended to reflect that GRC cases are to be allocated by PD automatically to either the 'standard track' or the 'open track'.
- 3.3. The TPC understood that the planned PD would set out a list of jurisdictions sitting in the GRC that will automatically be assigned to the standard track with all other GRC jurisdictions automatically assigned to the open track. The amended GRC Rules would refer to initial allocation of cases being provided by the GRC PD and would enable the Tribunal to have discretion to provide a written summary of its reasons for cases allocated to the standard track.
- 3.4. MJR said that there were 2 remaining issues in respect to: i) the drafting of the rules related to the 2 GRC case tracks and written summary reasons for cases allocated to the standard track and ii) updating the latest draft response document to incorporate/reflect the agreed drafting revisions from previous discussions by the TPC and MoJ Legal.
- 3.5. MJR said that the GRC issue relating to case track allocation had now been substantially resolved following further discussions with the GRC President to clarify the sequencing of key events in proceedings. The aforementioned concern had been that the draft rules might require a direction of the tribunal in each case in order to allocate a case to the appropriate track. The GRC Chamber President considered such a rule would create unintended consequences, i.e., resulting workload and resource difficulties, and therefore preferred that the rules recognised that cases are allocated automatically by practice direction.
- 3.6. The TPC also noted that the Tribunal will always have the power/ flexibility to move a case from one case track system to another, so in practice the Tribunal can correct the situation if an appeal is automatically assigned to

a case track that is unsuitable. MR added that the GRC Chamber President confirmed that he was content with this approach.

- 3.7. The TPC also noted that the drafting approach for rule amendments reflects the unique nature of the proposed new GRC case track systems, which currently affects only the provision of written summary reasons. It was agreed that the updated GRC Rules and PD must be published and commence in unison to ensure the new administrative process operates lawfully and transparently and to give effect to what the GRC Chamber President wants to achieve. SOR noted that a draft PD had been prepared by the GRC Chamber President, but further revision was required to align it with the agreed rule drafting instructions the TPC had provided to MoJ legal advisers/ the statutory instrument (SI) hub.
- 3.8. The TPC discussed the position of transitional cases, which pertain to cases/proceedings already in the tribunal listing system at commencement. It was noted that this issue remains to be finalised, with options including a transitional provision in the GRC rules or addressing the matter entirely within the PD for tribunal users. Further work will be undertaken to resolve this issue, after which the final drafting will be brought forward for agreement.
- 3.9. The TPC agreed that MJR would circulate an updated version of the draft response in early January 2026 (following the conclusion of the legal checks for the TPC Amendment SI and the draft GRC PD being approved by the Senior President of Tribunals. The matter would be revisited at the 02 February 2026 meeting.

AP/91/25: To circulate an updated version of the draft consultation response paper to the Written Reasons subgroup in early January 2026 – **MJR**

4. Employment Tribunals Subgroup

- 4.1. On the 21 November 2025 the TPC signed off the consultation response document seeking views on a number of potential further changes to the Employment Tribunals (ET) Procedure Rules 2024.
- 4.2. VP confirmed that the Secretariat is presently making the necessary arrangements to publish the document on the government website. The document is expected to be published during late December or early January at the latest on GOV.UK.

- 4.3. RB highlighted that additional drafting work is required in relation to the intended Employment Appeal Tribunal (Amendment) Rules SI and the related ET amendment rules, which will need to be made alongside the scheduled TPC Amendment SI. RB explained that the written/summary reasons changes cannot operate effectively in the ET jurisdiction without corresponding amendments to the EAT Rules, as this omission would otherwise create uncertainty for tribunal users regarding appeal documentation and time limits for onward appeals from the ET to the EAT.
- 4.4. MJR noted that failure to align these changes could result in significant operational difficulties. It was acknowledged that this work falls outside the TPC's formal remit, and RB confirmed that draft provisions and any outstanding issues would be shared informally with relevant MoJ colleagues, with MJR agreeing to provide support on an unofficial advisory basis.

AP/92/25: To arrange publication of ET consultation reply - **TPC Secretariat**

5. Immigration and Asylum Chamber (IAC) Subgroup

- 5.1. No substantive matters were discussed.

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. MJ provided an update on the draft consultation paper on interest on costs specifically on the following topic matters: i) payments on account of costs, ii) pro bono costs awards and iii) costs in the Lands Chamber of the Upper Tribunal. He advised that further drafting work is underway ahead of issuing an updated paper for the TPC's sign-off and publication. Following discussions with legal and judicial colleagues, additional drafting issues have been identified, particularly in relation to pre- and post-judgment interest on costs. These matters may require further consultation questions and amendments to existing rules (including the Immigration and Asylum Chamber (FtT) and the Lands Chamber (UT) /Property Chamber (FtT) Rules), given differing jurisdictional coverage for existing costs regimes.
- 6.2. MJ confirmed that he will provide a position update at the February 2026 meeting. He noted that a follow-up Costs subgroup meeting is scheduled for 22 January 2026 to agree the scope of any proposed changes.
- 6.3. MJ also noted work arising from the Judicial Lands Chamber Forum relating to pro bono costs. A proposal from the Property User Group on

this issue has been included in the work programme and will be taken forward separately in due course.

7. HSW Sub-group

- 7.1. No substantive matters were discussed.

8. Tribunal Procedure and Employment Tribunal Procedure (Amendment) Rules 2026 SI Exercise

- 8.1. RB provided an overview of the legal drafting position in relation to the Tribunal Procedure and Employment Tribunal Procedure (Amendment) Rules 2026 SI, including the proposed timetable and the dependencies with related workstreams. It was noted that, subject to parliamentary confirmation, the current intention is for the SI to be laid before Parliament during February 2026.
- 8.2. RB noted that the current legislative timetable is for the draft SI to be approved and signed by the TPC on 02 February 2026. Following which, the SI would be submitted for Ministerial signature and if approved brought into force during March 2026. The TPC noted that the laying date has been requested but is not yet confirmed, and that members would be informed should the legislative timetable slip.

Forward look (Spring 2026 Tribunal Procedural (Amendment) statutory instrument)

- 8.3. The TPC briefly noted the anticipated scope for potential amendments to be included in the forthcoming Spring 2026 Tribunal Procedural (Amendment) SI Rules package. It was agreed that only limited technical rule changes are currently expected to be included in the rules package. April 2026 remains the working assumption for the SI laying date, subject to completion of the current SI exercise and the availability of legal drafting resource and capacity required to progress this work.

9. TPC Overview Subgroup

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

10. Contempt of Court

- 10.1. MB updated the attendees with the latest position for the 'contempt of court' matter. The matter had been initially discussed at the 04 November 2025 meeting and subsequently MB, DF, SOB and MJ had been nominated to attend a working group on contempt of court. That meeting took place on 10 November 2025, chaired by Lord Justice Edis and attended by a range of courts and tribunals judiciary.

- 10.2. At the CoC group meeting an action point was designated to the TPC members for the Rules body to produce “a short document outlining current position and issues to overcome, including a list of legislative changes desired by each tribunal jurisdiction. The prepared note would be discussed at the next CoC group meeting scheduled on 19 January 2026.
- 10.3. MB summarised a note he had prepared on the contempt of court powers in tribunals. The paper covered his observations on the FtT, the UT, the ET and the EAT powers to deal with contempt.
- 10.4. The attendees welcomed the report and commended it as a helpful and informative overview. The TPC indicated its endorsement of the paper and agreed that it could be presented on that basis to the CoC Working Group.
- 10.5. The TPC agreed that the paper could be shared externally for relevant discussions. It was agreed that the paper could be shared with Lady Wise, the President of the Scottish Tribunals, in light of related work being undertaken in Scotland. MB was thanked for the paper and asked to keep the TPC informed of developments arising from the Working Group’s consideration of these contempt issues.

11. AOB

Future TPC Plans- forthcoming priorities

- 11.1. ID advised that he intends to engage/ informally consult with the Chamber Presidents of the First-tier Tribunal & the Upper Tribunal, and the Presidents of the Employment Tribunals and the Employment Appeal Tribunal. These discussions will focus on priorities for potential procedural rule changes, brought about by policy and legislative changes and to improve the efficiency of the Tribunal. This judicial engagement would be helpful to consider how the TPC work programme can be taken forward over the next 18 months.
- 11.2. The TPC discussed recurring challenges arising from the timing and quality of information provided in support of proposed rule changes from government departments. The TPC agreed that clearer expectations at the outset, including guidance on the crucial information required when rule changes proposals are brought forward, would be beneficial.
- 11.3. The TPC discussed the value of engaging with government departmental policy teams at an earlier stage, using a more refined structured approach to developing proposals for potential rule changes, particularly where those rule changes directly affect the Tribunal chambers concerned. It was noted that clearer articulation of objectives, impacts and timelines at the

outset would support more effective consideration by the TPC and reduce the risk of delay brought about by legislative change.

- 11.4. It was agreed that this issue should be taken forward as a substantive item at the February 2026 meeting, with a view to discussing options for improving engagement and information flows, including the potential development of guidance for government departments on bringing forward proposals for rule changes.

Online Procedure Rules Committee

- 11.5. The TPC noted that the Online Procedure Rules Committee (OPRC) had published on the government website their first Online Procedure Rules consultation on 04 December 2025. The TPC understood that these rules are intended to apply to all types of proceedings where there are Online Procedure Rules. Initially they will apply only to possession proceedings. Once in force for possession proceedings, they will be accompanied by a PD setting out the procedure for possession claims. The consultation was due to close on 15 January 2026.
- 11.6. The TPC observed that the consultation period falls over the Christmas recess and agreed that it would be desirable for the TPC to have an opportunity to consider and agree to a collective response. It was noted that a request will be made to the OPRC Secretariat to seek an extension to the consultation deadline, with a view to enabling consideration of the TPC's response at its meeting on 2 February 2026, subject to agreement.

AP/93/25: To request an extension from the OPRC Secretariat to enable the TPC to formally respond to the Online Procedure (Core Rules and Pilot Schemes) Rules 2026 consultation - **VP**

AP/94/2025: To circulate the proposed meeting dates in 2026 to TPC members - **HP**

AP/95/2025: To add the matter “development of TPC framework setting out requirements and expectation to better support government departments submitting their policy proposals” as an agenda item for the 02 February 2026 TPC meeting - **VP**

Next Meeting: Monday 2 February 2026