

Tribunal Procedure Committee (TPC) Meeting Minutes

Monday 2 February 2026

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

Minutes

Present

- Lord Justice Ian Dove (ID)
- Philip Brook Smith KC (PBS)
- Michael Reed (MJR)
- Susan Humble (SH)
- Gillian Fleming (GF)
- David Franey (DF)
- Mark Blundell (MB)
- Sean O'Brien (SOB)
- Angela Shields (AZS)
- Faridah Eden (FE)
- Matt Jackson (MJ)
- Charlotte Wright (CW)
- Razana Begum (RB)
- Vijay Parkash (VP)
- Hanna Polanszky (HP)
- Cari Jones (CJ)
- Gregory Smith (GS)

Apologies

- Anne Scott (ASC)
- Gareth McMahon (GM)

Guests

- Gareth Wilson (GW)
- Regional Tribunal Judge David Jackson (JD)
- Joy Hosie (JH)

1. Introductory Matters

- 1.1. ASC and GM sent their apologies as they were unable to attend the meeting.
- 1.2. ID welcomed CJ and GS to their inaugural TPC meeting. CJ and GS would be attending TPC meetings in the capacity as the new representatives for the Senior President of Tribunals' (SPT) office.
- 1.3. ID welcomed JH who was attending the meeting as a guest attendee on behalf of the Lord President of the Court of Session.

Appointments to the TPC

Expression of interest- First-tier Tribunal judicial member

- 1.4. ID updated the attendees on progress with the recruitment exercise for the ongoing TPC appointments made by the Lord Chancellor (LC) and the Lady Chief Justice. One First-tier Tribunal (FtT) Judge appointment has completed the recruitment selection process and is awaiting Lord Chancellor's approval for the recommendation of the selection panel. Interviews for the remaining member vacancies are nearing completion. ID reiterated his expectation that successful applicants should be in post by Easter 2026.
- 1.5. Regarding the Immigration and Asylum Chamber (Upper Tribunal (UT) liaison judge vacancy, ID asked MB to consult the President of Immigration and Asylum Chamber of the Upper Tribunal (UTIAC) for a progress update.
- 1.6. ID announced that MJ and MJR had indicated their acceptance in principle to extend their terms on the TPC. MJ current term is due to end on 6 November 2026 and MJR current term is due to end on 21 May 2026. The Secretariat will inform judicial office and the MoJ public appointments team about these reappointment matters.

AP/01/26: To consult with the President of the IAC (UT) regarding an update on the expression of interest exercise to fill the vacant IAC liaison judge position on the TPC - MB

Preliminary matters

- 1.7. The draft minutes of the 04 December 2025 TPC meeting had been formally approved by the TPC pending some minor amendments. The document will be published on the government website in due course.

AP/02/26: Publish the approved minutes of December 2025 TPC meeting on the government website- 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 revisited the proposals relating to the Department for Science, Innovation & Technology (DSIT) intention to introduce regulations under Section 65 of the Product Security and Telecommunications Infrastructure Act 2022 (“PSTIA”). The proposal concerns the transfer of jurisdiction from the County Court to the FtT or the UT for certain tenancies falling under the Landlord and Tenant Act 1954 (“LTA”), that relate to agreements conferring Code rights. The matter had been discussed at the 04 December 2025 meeting.
- 2.2. The discussion followed consideration at the previous meeting and the receipt of a paper prepared by Regional Tribunal Judge David Jackson. The paper addressed his view on the implications of the proposed transfer for any potential changes to the current tribunal procedure rules, in particular the treatment of costs in ‘telecoms’ cases. The TPC noted that the DSIT’s proposals are technical in nature and are intended to clarify the existing costs framework rather than introduce a substantive change. On that basis, the TPC agreed that public consultation is not required.
- 2.3. The TPC discussed the drafting approach, including consideration of how “telecoms cases” are defined. PBS stated that detailed drafting should be progressed in consultation with the President of the Property Chamber,

and RB, to which the TPC agreed. PBS agreed to consult the President of the Property Chamber about this matter in due course.

- 2.4. The TPC noted DSIT's intention to introduce their legislative changes in April 2026 but observed that the delivery of this timetable is dependent on the readiness of DSIT's wider regulatory changes including changes to other statutory instruments which are outside the TPC's control. The TPC agreed that while it can be ready to make the necessary rule changes within that timeframe, any delay would not arise from the TPC preparedness.
- 2.5. It was also further noted by the attendees that consequential consideration may be required in relation to the UT to ensure consistency of approach. PBS suggested consulting with the Deputy Chamber President of the Lands Chamber (UT).

AP/03/26: To consult the Deputy Chamber President of the Lands Chamber to establish his view on any potential UT rule changes – ID

Leasehold and Freehold Reform Act 2024

- 2.6. The TPC considered proposals for amendments to the respective current Property Chamber Procedure Rules and the Lands Chamber Procedure Rules submitted by the Ministry of Housing, Communities & Local Government (MHCLG). The proposals were in light of certain provisions in the Leasehold and Freehold Reform Act 2024 (LFRA).
- 2.7. PBS noted that the MHCLG had set out a range of options for the proposed amendments in respect to i) citation, commencement and interpretation in the Property Chamber Rules and ii) orders for costs in the Property and Lands Chamber (UT) Rules; and that further consideration is required before a preferred approach can be identified. It was agreed that, rather than reaching a decision at this stage, further work should be undertaken to develop a preliminary preferred position.
- 2.8. The TPC discussed the proposals and agreed that any emerging proposals for rule changes should be shared with the President of the Property Chamber and other senior judiciary in the Lands Chamber (UT) for comment before being brought back to the TPC for further consideration at the March 2026 meeting.
- 2.9. The TPC's initial view was that formal consultation is unlikely to be required, subject to further judicial advice. ID agreed that he would consult with the President of the Property Chamber and return to PBS with comments of views arising from that discussion.

AP/04/26: To consult the President of the Property Chamber and the Deputy Chamber President of the Lands Chamber to establish their views on any potential rule changes – ID

Online Safety Act 2023 and proposed changes to the Tribunal Procedure (Upper Tribunal) Rules 2008 consultation

- 2.10. FE prepared and circulated a draft consultation document concerning the Online Safety Act 2023 (“the OSA”) and proposed changes to the Upper Tribunal Procedure Rules to accommodate new OSA cases to the UT.
- 2.11. The TPC discussed the draft document and provided its observations. Pending some minor amendments, the draft OSA consultation paper on proposed changes to the UT Procedure Rules was approved by the TPC for publication. The Secretariat agreed to make the necessary arrangements for the consultation paper to be published on the government website.

AP/05/26: To prepare the associated questionnaire and make arrangements to publish the consultation document. - HP

AP/06/26: To consult with the President of the Property Chamber and the Deputy President of the Lands Chamber and return to PBS with any judicial observations - ID

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 his efforts to finalise the draft consultation reply document on ‘possible changes to the procedure rules concerning the provision of written reasons for decisions and other case management provisions’. The TPC considered the latest version of the draft consultation reply and approved the document for publication.
- 3.2. The Secretariat confirmed their objective to publish the consultation reply as soon as practically possible, ideally on 3 February 2026 on the government website.

AP/07/26: To make arrangements to publish the consultation reply document on the government website- HP

4. Employment Tribunals Subgroup

- 4.1. VP informed the attendees that the Secretariat has made the arrangements to publish a reply 'on possible changes to the Employment Tribunals (ET) Rules 2024' document on the government website. The document is expected to be published on 3 February 2026 on the government website.

AP/08/26: To publish the ET consultation reply on the government website - HP

- 4.2. MR said he had unofficially discussed with the President of the Employment Appeal Tribunal (EAT) the planned transfer of power for the making of the EAT Rules to the TPC. This provision has not yet commenced, so the Lord Chancellor remains responsible for the making of EAT Procedural Rules.
- 4.3. RB said that the EAT President had contacted the MoJ Legal Advisers (MOJLA) team about the upcoming EAT amendments statutory instrument (SI) and was enquiring whether any other further amendments could be included in the scope of the draft EAT Rules SI. MoJLA had advised that on this occasion this action was not possible as the upcoming EAT amendments SI was simply addressing a consequential amendment to the current EAT Rules for the introduction of short form reasons to the Employment Tribunals.
- 4.4. ID said he will write to the EAT President and confirm that the TPC cannot influence government policy although he will bring this matter to the attention of the SPT who can subsequently raise the matter with the Lord Chancellor as he deems appropriate.

5. Immigration and Asylum Chambers (IAC) Subgroup

- 5.1. The TPC considered representations from the President of the Immigration and Asylum Chamber (UT), proposing amendments to the Upper Tribunal Procedure Rules in respect to the procedure to be followed in applications for judicial review (JR), under Part 4 of the Upper Tribunal Procedure Rules.
- 5.2. MB summarised the proposals, including the rationale for the suggested rule amendments and their intended effect. The summary covered proposals to introduce provision for i) replies to acknowledgements of service, ii) to modernise arrangements for the handing down of judgments disposing of judicial review proceedings, and iii) to clarify requirements relating to service of applications in immigration judicial review cases.

- 5.3. The TPC discussed the proposals and their supporting arguments/ rationale including information on i) the absence of provision for replies to acknowledgements of service; ii) the requirement for judgments disposing of JR proceedings to be handed down at a hearing; and iii) requirements relating to service of applications in immigration JR cases.
- 5.4. Following a comprehensive discussion the TPC agreed in principle that the issues identified merit further consideration; and that any proposed rule changes should be taken forward to a public consultation. It was agreed that further work should be undertaken to develop the proposals, including consideration of the background to the existing UT rules, and that a first version of the draft consultation material should be brought back to the TPC in due course.
- 5.5. It was agreed that the ID and MB would progress the drafting development of the proposals, including preparation of draft consultation document, with assistance from the SPT's legal administrative team as required. The draft consultation material is to be brought back to the TPC for consideration as soon as available.

AP/09/26: To progress the drafting work on the proposed amendments, including preparation of draft consultation material, for consideration by the TPC in due course – MB & ID

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 subgroup's endeavors to settle the drafting exercise and outstanding legal queries for preparing a consultation paper on 'Interest on costs, payments on account of costs & pro-bono costs awards & costs in the Lands Chamber of the Upper Tribunal'.
- 6.2. MJ said that the drafting work remains ongoing and that regrettably a revised draft was not yet available on this occasion. MJ advised that the subgroup had decided in principle rather than seeking to adapt existing costs provisions from individual tribunal chambers, the subgroup had decided on a new approach focused on developing a single, consistent and permissive cost framework capable of applying across both the First-tier and the Upper Tribunals. It was noted that this new approach is intended to allow individual jurisdictions within their tribunal Chamber to develop their own practice within a common rule structure.

- 6.3. The TPC noted that further consideration had been given to the territorial extent in which the chamber procedure rules form part of the law to clarify the differences and effect in legal practice across jurisdictions in England and Wales, including those jurisdictions for proceedings that are heard in Scotland and Northern Ireland.
- 6.4. CW stated that she is leading on the legal development aspect of these costs work strands and expressed confidence that a draft paper could be brought to the next scheduled meeting on 02 March 2026. MJ said he intends to have a revised draft paper available for the next meeting.

Upper Tribunal Lands Chamber- proposal for changes to the costs shifting powers/ regime

- 6.5. MJ said the subgroup had been discussing the proposed potential rule amendments to the Lands Chamber Procedure Rules to remove uncertainty over the Tribunal's costs-shifting powers in cases within its first instance jurisdiction to determine statutory or contractual claims for compensation.
- 6.6. MJ explained that while the TPC had earlier deferred active consideration for this matter, the subgroup had decided it would be helpful to revisit this matter in respect to the proposal to clarify the current position by returning, in substance, to the pre-2013 approach under which costs regimes would generally be at large, subject to defined exceptions.
- 6.7. The TPC agreed that consultation would be required. MJ agreed to prepare a first version of a draft consultation for the March 2026 meeting.

AP/10/26: To prepare a draft consultation paper on costs in the lands chamber – MJ

7. HSW Sub-group

- 7.1. No substantive matters were discussed.

8. Tribunal Procedure and Employment Tribunal Procedure (Amendment) Rules 2026'

- 8.1. RB circulated the draft 'the Tribunal Procedure and Employment Tribunal Procedure (Amendment) Rules 2026' SI. The TPC Members present signed the SI. It was noted that the SI is expected to be submitted to the MoJ Minister and laid in Parliament on 9 February 2026, with an anticipated commencement date of 2 March 2026.

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

- 8.2. The TPC considered the likely content of the forthcoming Spring 2026 Tribunal Procedure (Amendment No.2) Rules package.
- 8.3. ID invited clarification on likely inclusions from the TPC members and the Chairs of the TPC subgroups. RB explained that the current expectation is that only a limited number of technical amendments would be included, with priority being given to measures subject to fixed statutory implementation deadlines. It was noted that April 2026 remains the working assumption for laying the SI, subject to completion of the current statutory instrument and the availability of drafting resource and capacity.
- 8.4. The TPC have agreed in principle for the following amendments to be included in a Spring 2026 Tribunals SI:
 - Rule changes to Property Chamber procedure rules resulting from the Renters' Rights Act 2025.
 - An amendment to rule 7(6) of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 in respect to the 'service of directions.

9. Online Procedure Rules Committee

- 9.1. ID said the Online Procedure Rules Committee (OPRC) had carried out a public consultation seeking views on the first Online Procedure Rules to be made by the OPRC. These rules will apply to all proceedings where there are Online Procedure Rules. This consultation commenced on 4 December 2025 and had ended on 15 January 2026.
- 9.2. The TPC considered the individual TPCs draft responses to the Online Procedure Rules Committee consultation. It was noted that an extension had been obtained by VP to allow the TPC to consolidate and finalise its comments at its February meeting, if deemed appropriate.
- 9.3. It was agreed that SOB's annotated draft of the proposed OPRC Rules SI would be circulated to TPC members and that any additional comments would be incorporated into the TPC's response. VP agreed to seek a further short extension to the consultation deadline if necessary to enable

submission of a consolidated response to the OPRC Secretariat by 04 February 2026.

- 9.4. The TPC also considered the development of online civil money claims (OCMC) rules and the importance of the TPC's representation in that OPRC's work strand as the OPRC have received ministerial approval on the SI that will grant the OPRC powers to make rules for the OCMC and Employment Tribunals. It was agreed that SOB would act as the TPC's nominee on the OCMC working group.

AP/11/26: To circulate SOB's marked-up draft of the OPRC Rules SI to the TPC members - VP

AP/12/26: TPC Members to provide any further comments for inclusion in the TPC response to the OPRC consultation – TPC Members

10. Contempt of Court

- 10.1. MB provided an update on the work of the 'Contempt of Court' judicial working group. MB said he had attended the cross-jurisdictional forum alongside DF and MJ. He explained that the working group is considering whether there should be greater harmonisation of contempt of court procedures across jurisdictions in the wider justice system, with a view to drafting common or aligned procedural rules for the Courts and Tribunals where appropriate.
- 10.2. SOB stated that the respective Civil and Family Procedure Rules adopt a broadly similar approach to the matter of the law of contempt and are being used as the starting basis/ a template for developing and progressing the drafting work.
- 10.3. SOB explained that, the UT is a superior court of record and has the inherent jurisdiction of a court to act on a contempt in its face, the law of contempt matters are addressed by reference to the current Civil Procedure Rules as far as practicably possible, and that the First-tier Tribunal as an inferior court does not possess contempt powers and must refer matters to the UT accordingly. He noted that the TPC is awaiting the outcome of Law Commission work and that any extension of contempt powers would depend upon primary legislation changes being introduced arising from Law Commission work.
- 10.4. The TPC agreed that it would continue to monitor developments and await further progress from the cross-jurisdictional working group before considering whether any changes to Tribunal Chamber Rules are required.

11. Overview subgroup AOB

11.1. The work programme has been updated by the Secretariat and circulated as of 14 January 2026.

12. Future TPC Plans- forthcoming priorities

12.1. ID said that, at the December 2025 meeting, the TPC had discussed the importance of engaging with government departmental policy teams at an earlier stage in the development of their proposals for rule changes. It had been noted that a more structured and refined approach to developing such proposals, particularly where they directly affect Tribunal chambers, would assist the TPC's consideration for proposals for rule changes. The TPC had further observed that clearer articulation of objectives, anticipated impacts and proposed timelines at the outset would support more effective scrutiny and reduce the risk of delay arising from related policy and legislative changes.

12.2. ID proposed that guidance be developed setting out the TPC's expectations for tribunal chambers and government departments bringing forward rule change proposals. It was noted that such guidance would assist in clarifying the information and support required to enable effective consideration of proposed amendments.

12.3. The TPC agreed that this work should be taken forward. It was agreed that a working group would be formed to develop the draft guidance document. TPC members were invited to contact ID if willing to participate. CW indicated that MoJ legal would assist in developing the guidance document. VP undertook to locate any previous draft material that could serve as a starting point as PBS highlighted a 2012 guidance paper he had prepared to assist government policy officials on drafting regulations and consultations.

AP/13/2026: To identify and circulate previous draft guidance material for use as a starting point to the TPC members-VP

Next Meeting: Monday 2 March 2026