

Tribunal Procedure Committee (TPC) Meeting Minutes

Monday 2 March 2026

Meeting (Hybrid) at Field House, Strand, London

Minutes

Present

- Lord Justice Ian Dove (ID)
- 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)
- Gregory Smith (GS)

Apologies

- Philip Brook Smith KC (PBS)
- Anne Scott (ASC)
- Gareth McMahon (GM)

Guests

- Gareth Wilson (GW)
- David Jackson (JD)
- Joy Hosie (JH)
- Felix Williams (FW)

1. Introductory Matters

- 1.1. ID welcomed JH, who will be replacing ASC as the TPC representative of the Lord President of the Court of Session. The TPC noted that JH's appointment has now been formally confirmed as ASC's successor.

- 1.2. ID recorded the TPC's gratitude to ASC for her significant contribution, unwavering commitment and hard work during her tenure on the TPC.

Appointments to the TPC

Expression of interest- First-tier Tribunal judicial member

- 1.3. ID provided an update on the two recruitment exercises for TPC appointments to be made by the Lord Chancellor (LC) and the Lady Chief Justice (LCJ). It was noted that the recommended appointable candidates for the First-tier Tribunal (FtT) judicial member and three non-judicial members have completed all stages of the selection process, and their appointments are pending formal approval by the LC and LCJ.
- 1.4. ID reiterated his expectation that successful applicants would be in post before the summer recess.
- 1.5. It was agreed that the new members may be invited to attend future meetings in the capacity as guests prior to their formal commencement. ID proposed that mentors be identified within the TPC to assist the new members in becoming familiar with the TPC's work. Members were invited to contact ID if willing to act as a mentor.
- 1.6. Regarding the Immigration and Asylum Chamber (Upper Tribunal (UT)) liaison judge vacancy, ID asked MB whether there had been any further progress. MB confirmed that there had been no further update since his last report to the TPC in February 2026. ID said he would discuss this matter with the President of Immigration and Asylum Chamber (UT) out of committee.

Preliminary matters

- 1.7. The TPC considered the draft minutes of the 2 February 2026 meeting. It was noted that certain references to the designated person in the contempt of court (CoC) agenda item should refer to SOB rather than MB, as SOB attended the CoC working group meeting. VP undertook to amend the draft minutes accordingly. Subject to this amendment, the minutes of the 2 February 2026 meeting were approved.

AP/14/26: Publish the approved minutes of 2 February 2026 TPC meeting on the government website- TPC Secretariat.

AP/15/26: To indicate to Lord Justice Dove their willingness to perform a mentoring role for newly recruited TPC members – TPC members.

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 received an update from RB on progress in relation to the proposed amendments to the current Property Chamber Rules arising from the proposed transfer of jurisdiction (under section 65 of the Product Security and Telecommunications Infrastructure Act 2022). Including a related clarification of the treatment of costs in 'telecoms' cases. RB confirmed that discussions with policy and legal officials in the Department for Science, Innovation and Technology (DSIT) remain ongoing. The timing of the amendments to be introduced via a legislative change is dependent upon coordination with her DSIT legal counterparts for the associated statutory instruments (SI) required to be laid/introduced to implement the transfer.
- 2.2. RB advised that, should the DSIT legislative timetable require it, the relevant amendments could be progressed by way of a separate SI outside the usual bi-annual TPC SI cycle for laying SIs before Parliament, usually during April and October. The TPC reiterated that it did not wish to delay progress and would seek to align its SI laying timetable with that of DSIT if possible.
- 2.3. In relation to the forthcoming Spring 2026 SI Rules package concerning Renters' Rights Act reforms, CW confirmed that the drafting exercise and related legal checks remains on track for commencement, as the SI needs to come into force on 1 May 2026 to meet governmental commitments for private rented sector reforms.

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

- 2.4. The TPC noted that its consultation on possible amendments to the UT Rules in respect of measures under the Online Safety Act 2023 has been published on the government website. The consultation will close on 21 May 2026.

AP/16/26: To discuss the approach for drafting instructions with Philip Brook Smith and Judge McGrath, the Property Chamber President regarding the proposal for amendments to the Property Chamber Rules- CW

3. Employment Tribunals Subgroup

- 3.1. MR reported that the Employment Tribunals (ET) subgroup will convene later in March 2026 to consider/agree the approach for the next tranche of ET Rules work. It was noted that, following commencement of the previous February 2026 Amendment Rules SI, that included ET amendments, further proposals for ET rule amendments are expected to arise from senior ET judicial discussions with the TPC and policy developments in employment law resulting from legislative changes.
- 3.2. DF indicated that he was a member of an ET judicial working group tasked with considering potential amendments to the ET Rule, and that these matters are likely to form part of the subgroup's forthcoming contribution to the TPC work programme.
- 3.3. ID reported that, following a recent meeting with the President of the Employment Tribunals; he had been invited to attend a meeting of the Tribunals Judicial Executive Board to discuss the rulemaking work of the TPC and indicated that he would be willing to do so.
- 3.4. The TPC also noted that the Online Procedure Rules Committee (OPRC) has begun to consider the development of online procedure rules in relation to ET procedural matters.
- 3.5. ID observed that this work currently relates to the ET and does not extend to the rules work of the Employment Appeal Tribunal (EAT) as the EAT Rules are not presently a matter for the OPRC. ID indicated that the position regarding the transfer for responsibility for the EAT Rules from the Lord Chancellor to the TPC may be raised in discussions between the Senior President of Tribunals and the Lord Chancellor in an upcoming meeting.

AP/17/26: To schedule an online sub-group meeting during March 2026 to discuss the next tranche of proposals for rule amendments - MR/ET subgroup.

4. Immigration and Asylum Chambers (IAC) Subgroup

- 4.1. MB presented a draft consultation paper prepared to take forward three proposals to amend the UT Procedure Rules in relation to judicial review proceedings in the Immigration and Asylum Chamber (UT).
- 4.2. The three proposals that were planned to be consulted were for the issues: i) Reply to Acknowledgment of Service, ii) Handing Down Hearings and iii) the copy of the claim form served on the respondent or interested party must be sealed.

- 4.3. MB explained that the draft consultation paper had been prepared with assistance from FW, a judicial assistant working in Judicial Office, and outlined the proposed amendments. The TPC noted that the judicial proposals relating to reply to acknowledgment of service and the requirement for judicial review applications to be sealed before service were uncontroversial and its purpose is to facilitate access to justice for all individuals.
- 4.4. MB reported that further analysis had been undertaken in relation to the three proposals, including examination of the historical origins of the relevant provisions and their interaction with the Civil Procedure Rules (in the setting for the process to be followed for applications for judicial review).
- 4.5. The TPC discussed the draft consultation paper. Observations were made in relation to the proposed time limits for each proposal and to certain drafting points in the document to improve the setting for the proposals for the three amendments.
- 4.6. MB agreed to amend the draft consultation paper in light of the comments received. Following a discussion the TPC approved the consultation for publication and agreed that the consultation will run for a period of 12 weeks.

AP/18/26: To send Mark Blundell any suggested track-changes to the draft consultation document- TPC Members

5. HSW Sub-group

- 5.1. AZS said that the HSW Sub-group would be considering proposals at the right time for rule amendments in respect to the Social Entitlement Chamber (SEC). She would provide a further update to the TPC once she had received a formal request/ a paper from the senior SEC judiciary setting out the proposals for amendments to the current SEC Procedural Rules.

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 drafting exercises for i) the consultation on possible amendments to the costs/expenses rules in the First-tier Tribunal, Upper Tribunal and Employment Tribunals and ii) the consultation on possible amendments to cost powers in the Tribunal Procedure (Upper Tribunal) (Lands Chamber) Rules 2010.
- 6.2. It was suggested that further drafting work was needed to supplement the legal background/ context for the topic for 'payments on account of costs'

and 'interest on costs', particularly in light of the relevant statutory provisions and their possible application after judgment. The attendees indicated that, if this issue is to be taken forward in consultation, the basis for the proposed approach would need to be conveyed comprehensively.

- 6.3. The TPC noted that the position in relation to 'pro bono' costs orders may require further clarification, including consideration of the extent to which the relevant primary legislation supports the proposed approach that will be detailed in the document. Members indicated that any consultation material should explain that position with greater clarity.
- 6.4. MJ agreed that the consultation should be ready for publication by the next scheduled TPC meeting on 30 March 2026 if possible. The TPC agreed a 12-week time frame for the duration of the consultation.

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

- 6.5. MJ summarised the drafting work to prepare a draft consultation paper relating to costs powers in the Lands Chamber (UT) in respect to the costs powers regime in the Chamber, due to the uncertainty about their application in some of the chamber's first instance jurisdictions.
- 6.6. The TPC considered the proposals concerning the costs powers regime in the Lands Chamber (UT), including potential amendments to clarify the Tribunal's costs-shifting powers. It was noted that the current drafting of the Lands Chamber Rules has given rise to some uncertainty in practice regarding when costs powers regime should follow the event and the circumstances in which a costs order may be issued to the losing party.
- 6.7. The attendees discussed whether the proposed drafting sufficiently reflected the intended policy position and the historical approach taken in the Lands Chamber (UT). It was suggested that the draft consultation paper be amended to clearly explain the rationale for the proposed approach and the relationship between the Lands Chamber Rules and the earlier costs powers regime operated in the Chamber. MJ agreed to update the draft document to provide clearer explanation before the consultation is progressed further. The matter would be revisited at the next meeting on 30 March 2026.
- 6.8. The TPC agreed that public consultation would be required and would run for a period of 12 weeks.
- 6.9. CW asked MJ to outline the expected timeline and level of urgency for progressing the proposed amendments to the Lands Chamber Rules, including when a consultation paper and the eventual rule changes might realistically be introduced and published.
- 6.10. MJ explained that the issue had originally been brought forward in November 2023 by the Lands Chamber Users Group, but the work was subsequently paused by the Committee due to other urgent TPC work

priorities. MJ indicated that the current intention would be to proceed with a 12-week consultation, with an aspiration of publishing the consultation paper before the summer recess, ideally by May 2026 if possible. MJ said at the earliest he would anticipate any agreed amendments to be included in an Autumn 2026 Rules SI package or at the latest included in a Spring 2027 Rules SI package.

- 6.11. CW noted that it would be important to consider carefully whether a SI could realistically be delivered within that desired timeframe and suggested that the detailed discussion of timings and sequencing should be discussed further out of committee. It was acknowledged that progress would depend on how the work is prioritised alongside other ongoing TPC workstreams.
- 6.12. The discussion concluded with a shared understanding that the current work represents a second stage in the overall legislative process and that subject to resolving the outstanding matters, the aim would be to finalise the consultation and subsequent response during the summer period. However, it was recognised that publishing the consultation response in advance of an Autumn 2026 SI would be challenging, and that the legislative timetable would therefore need further consideration to agree critical milestones.

AP/19/26: To share the draft consultation paper with UT Judge Rodger KC, the Deputy President of the Lands Chamber (UT) – MJ

AP/20/26: To send Matt Jackson any suggested track-changes to the draft consultation document -TPC members

AP/21/26: To provide advice/ a timetable whether it would be feasible to implement the proposed rule change (if agreed by the TPC) in an upcoming Autumn 2026 TPC SI package – CW/RB

7. HMCTS Post Reduction Project:

Property Chamber – Proposed Rules Changes in support of HMCTS Post Reduction Project

- 7.1. The TPC considered a paper prepared by the Contracted Services Division in HMCTS, setting out their proposals to amend the current Property Chamber Rules to support the HMCTS Post Reduction project. The project is aimed to modernise communication methods used by tribunal users in their proceedings. The first proposal includes removing references in the Rules to a 'fax machine' as a permitted method of providing documents to the Tribunal, reflecting that the fax method to transmit tribunal documents is now considered outdated and that email and digital platforms are the predominant methods of communication used in the Tribunals system.

- 7.2. In addition, a second proposal that introduces provisions allowing the Tribunal to direct a party to serve documents on its behalf, provided that the method of service is clearly specified and evidence of service is supplied where required. HMCTS thought that the proposed amendments would also clarify the process for notifying other parties when a direction is given, including the introduction of an additional provision under rule 7 to address circumstances where a party sends notice on behalf of the Tribunal.
- 7.3. The TPC noted that the first proposal are intended to reduce reliance on physical post, improve efficiency in case management, and lower operational costs, particularly given the high volume of correspondence handled in Property Tribunal cases involving multiple parties. It was also noted that the proposal include safeguards to ensure reasonable adjustments can be made for vulnerable or digitally excluded users.
- 7.4. The TPC was informed that the Property Jurisdictional Board and the Property Service Board had considered the proposals and expressed their support. It was also indicated that, if approved, the proposed amendments would ideally be aligned and implemented together.
- 7.5. In respect to the first proposal the TPC agreed in principle to make the change to remove the reference to a fax machine in the Property Chamber Rules.
- 7.6. The TPC discussed the second proposal for a proposed amendment to rule 7 which specifically addresses giving Direction with the addition of a new (6A), and after full consideration. The TPC decided not to proceed with the proposed change as the matter has already been considered by the TPC as referred to in paragraphs of 22 to 27 of the TPC's consultation reply document on possible changes to Rule 7(6) of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 (Service of Directions) published in May 2025.

Social Entitlement Chamber – Proposed Rules Changes in support of HMCTS Post Reduction Project

- 7.7. The TPC considered a proposal to amend rule 13 of the Social Entitlement Chamber Rules to remove references to a 'fax as a permitted method for providing documents to the Tribunal.
- 7.8. The TPC was informed that the Social Entitlement Chamber Service Board had considered the proposal on 21 January 2026 and expressed its support for the amendment. It was further noted that failing to update the rules could create inconsistency across jurisdictions, as other rule

committees are already recognising email and secure digital platforms as the primary and reliable methods of service.

- 7.9. The TPC agreed in principle to make the change to remove the reference to a fax machine in the Social Entitlement Chamber Rules.

AP/22/26: To inform HMCTS of the TPC's decision and related observations regarding their rule amendment proposals to the current Property and Social Entitlement Chamber Procedure Rules - VP

8. Online Procedure Rules Committee

- 8.1. ID said that the TPC had discussed the relationship between its rulemaking work and developments being progressed by the Online Procedure Rules Committee (OPRC). The OPRC is responsible for the making of rules governing the practice and procedure for specific types of online court and tribunal proceedings across the Civil, Family and Tribunal jurisdictions is ongoing. It was noted that while digital systems and wider reforms, including early dispute resolution, are being explored through that body, responsibility for the governance and development of tribunal rules will remain with the TPC.
- 8.2. The TPC members emphasised the importance of ensuring appropriate alignment between the work of the two distinct Rules Committees acknowledging relevant boundaries between their respective statutory rulemaking roles. The TPC agreed that it should remain aware of ongoing developments in digital and online procedures to ensure consistency with wider justice system reforms

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

(Spring 2026- Tribunal Procedure (First-tier Tribunal) (Property Chamber) (Amendment) Rules 2026)

- 9.1. The TPC considered the content of the forthcoming Spring 2026 Tribunal Procedure (First-tier Tribunal) (Property Chamber) (Amendment) Rules package.
- 9.2. VP said that once the SI has been finalised, it will be circulated to TPC members by email in advance of that meeting. It is anticipated that the draft SI will be available and circulated during the week commencing 23 March, subject to final clearance.

9.3. 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 Property Chamber Procedure Rules in respect to the 'service of directions'.

AP/23/26: To provide their availability during week commencing 23 March 2026 to Charlotte Wright and the TPC Secretariat (timing when the Spring TPC SI signing exercise is expected to take place) -TPC Members

10. Contempt of Court

10.1. SOB confirmed that there were no issues requiring the TPC immediate attention.

11. Overview subgroup

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

12. TPC Engagement- Guidance information

12.1. ID invited members to indicate whether they would be willing to assist in developing the proposed guidance, described as a 'practical handbook', setting out the TPC's expectations for proposals for rule changes from central government departments, senior tribunal judiciary and interested stakeholders including the public.

12.2. The proposed TPC guidance would aim to support earlier engagement with the TPC Secretariat and consequently the TPC. It will also clarify the mandatory information required when presenting proposals for rule amendments. Members noted that this would help ensure proposals are more fully developed at the outset and enable the Committee to consider them more efficiently, given the limited TPC and legal resources. Interested members were asked to contact ID following the meeting in order to take part in the working group that will develop the draft document.

12.3. The TPC discussed at length the types of resources that could be developed to support other bodies when bringing forward proposals for rule changes. Suggestions included producing materials such as process descriptions, flowcharts, exemplar proposals, and guidance on the types of supporting evidence that should accompany proposals. These resources would complement the TPC's expectations regarding the scale of information and the level of detail required when proposals are submitted

to the Secretariat, helping to ensure that proposals are sufficiently developed and supported to enable effective consideration by the TPC.

12.4. ID noted that, in order to progress the development of guidance for proposals bringing forward rule change proposals, a working group would be established. The working group will develop draft guidance to be brought back to a future meeting of the Committee for consideration.

12.5. GF, SH, AZS and MJ agreed to join the membership of the working group.

AP/24/26: To indicate their willingness to join the working group to progress the drafting guidance work – TPC

13. Any other Business

Transparency And Open Justice Board

13.1. The TPC noted that open justice issues will be considered further at the next scheduled meeting following a request from Judicial Office. It was agreed that Mr Justice Nicklin, the Chair of the Transparency And Open Justice Board, will attend the meeting on 30 March 2026 to speak to this item.

13.2. The TPC discussed issues relating to reflecting 'Open Justice' in the overriding objective in the current set of Tribunals Rules. It was suggested that, although amendments may be required, some principal barriers may lie not in the Rules themselves but in wider operational and structural issues that fall outside the TPC's statutory remit. It was noted that while rules could be drafted in principle, they may not be effective in practice unless the underlying justice systems and administrative processes are workable.

Next Meeting: Monday 30 March 2026