

Tribunal Procedure Committee (TPC) Meeting Minutes

Monday 30 March 2026

Meeting (Hybrid) at Field House, Breams Buildings, 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 (AS)
- Faridah Eden (FE)
- Joy Hosie (JH)
- Jonathan Dobson (JD)
- Charlotte Wright (CW)
- Razana Begum (RB)
- Vijay Parkash (VP)
- Hanna Polanszky (HP)

Apologies

- Matt Jackson (MJ)
- Gareth McMahon (GM)
- Gareth Wilson (GW)
- Gregory Smith (GS)

Guests

- Mr Justice Nicklin (JN)
- Abdul Huson (AH)

1. Introductory Matters

- 1.1. ID welcomed Jonathan Dobson to his inaugural meeting following his appointment as the First-tier Tribunal (FtT) member of the TPC for a three-year term commencing 11 March 2026.
- 1.2. The TPC noted apologies for absences for MJ, GM, GW and GS.
- 1.3. Abdul Huson the head for the Ministry of Justice (MoJ) Fees and Administrative team, was invited to attend the meeting to provide policy insight on the agenda item concerning the management of the TPC's forward workplan. In particular, he outlined how MoJ Tribunals Policy team could assist the TPC in aligning priorities for the forthcoming Autumn 2026 amendment rules statutory instrument package.

TPC Appointments

- 1.4. The TPC noted progress in the appointment of the three Lord Chancellor appointments, ID advised that the interviews had already taken place and that the successful candidates would be receiving their appointment letters stating their anticipated start dates as members of the TPC in due course.

Preliminary matters

- 1.5. The TPC considered the draft minutes of the 2 February 2026 meeting and approved the minutes pending some minor amendments.

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

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

- 1.6. CW presented the statutory instrument (SI) the Tribunal Procedure (First-tier Tribunal) (Property Chamber) (Amendment) Rules 2026 to the TPC members for their signature. The SI make amendments to reflect the commencement of certain provisions in the Renters' Rights Act 2025, with the intention that they come into force on 1 May 2026.
- 1.7. ID said that the planned amendments to rule 7 of the Property Chamber Rules (relating to service of documents) have been postponed to a later SI. This decision followed discussions and agreement with the Property Chamber President and the MoJ Tribunals Policy team.

2. Transparency and Open Justice Board

- 2.1. The TPC welcomed Mr Justice Nicklin (JN), the Chair of the Open Justice and Transparency Board (OJTB). JN provided an update on the ongoing

work of the OJTB in respect to the promotion of transparency and open justice across the courts and tribunals of England & Wales. The OJTB has completed an initial engagement phase, during which high-level, outcome-focused objectives were established. It is now progressing to a second phase which will assess alignment by evaluating the current practice for open justice across the jurisdictions, with a focus on timely and effective access in relation to open reporting, open decisions and open documents.

- 2.2. JN invited the TPC to reflect on whether express reference to open justice should be incorporated into the current definition for the overriding objectives of the various set of tribunal procedural rules. It was emphasised that no formal decision was required at this present time from the TPC in respect to deciding potential rule amendments to make sure that these objectives reflect what should be delivered in the tribunals sphere. The proposal is intended to signal the importance of transparency and open justice, without prescribing specific procedural outcomes. JN confirmed that similar discussions are taking place with the other Justice Rule Committees.
- 2.3. The TPC discussed the practical meaning of “promoting” open justice in tribunals, wider societal changes as well as those tribunal users being affected by the suggested approach to modernise the principles of open justice, including how this would operate in judicial decision-making. The TPC noted that they considered the need to balance transparency with privacy and other legitimate protections such as security concerns, particularly in sensitive cases, to protect the privacy and confidentiality of the parties in proceedings involved. The TPC also reflected on the potential impact for the administrative and judicial resource implications of introducing greater transparency in tribunal proceedings, including issues around publication of decisions and access to documents. The possible need for additional training and support for judges was observed, alongside the importance of ensuring consistency across jurisdictions and the coordination with the other Justice Rule Committees to reach a uniform approach to enhance transparency and open justice across the wider justice system.
- 2.4. It was noted that, while monetary resource implications may be significant, these should not function as a barrier and prevent consideration of principled changes. The TPC also recognised that some improvements to transparency and open justice in the tribunals unified system could be progressed independently of any change to the overriding objective as looked-for.
- 2.5. The TPC agreed that the issues discussed merits further consideration. There was broad support for exploring how open justice principles might be more clearly reflected in tribunal procedural rules, subject to careful handling and cross-jurisdictional consistency.

AP/25/26: To initiate engagement with the Civil Procedure Rule Committee and, at the right time, the other justice rule committees to coordinate a programme of changes to promote transparency and open justice. - **ID**

AP/26/26: To invite volunteers from the TPC to take forward work on open Justice on behalf of the TPC. – **ID/ TPC Members**

3. **GTCL Subgroup**

- 3.1. PBS introduced an update on current GTCL subgroup work. In relation to appeals under the Online Safety Act 2023 and proposed changes to the Upper Tribunal Rules. PBS noted that a consultation paper had been published on 26 February 2026 on the government website and would run until 21 May 2026. FE commented that as the proposed amendments related explicitly to the costs regime in the Upper Tribunal (UT) that the matter should be covered under the Costs Subgroup's work remit in the future.
- 3.2. In relation to potential amendments for the Leasehold and Freehold Reform Act 2024, PBS noted that the current intention was to include the relevant amendments in the next scheduled Autumn 2026 Rules SI package. He would discuss the matter with the Chamber President of the Property Chamber (FtT)
- 3.3. The TPC discussed its general statutory approach to consultation, in the context of recent amendments required to give effect/ brought about by primary legislation and other legislative changes introduced by the government, specifically the Renters' Rights Act 2025. It noted that, where rule changes are limited to enabling new statutory rights to be exercised within existing tribunal jurisdictions and do not introduce complex or uncontroversial substantive procedural changes, the TPC has taken the view that public consultation is not required for these regarded 'technical' rule changes.
- 3.4. The TPC noted the distinction between internal and external public consultation undertaken by sponsoring government departments seeking the TPC to consider amendments to tribunal rules arising from legislative matters. It also noted its own statutory role in conducting public consultations to ascertain stakeholders' views for proposed rule amendments which impact current procedural chamber rules. It further noted the conditions and criteria the TPC follows when deciding whether to commission a further consultation where the substantive content of an initial consultation differs from its original premise.
- 3.5. The TPC discussed its approach to determining when a consultation is required prior to introducing rule changes, factoring efficiency and the best use of the TPC's resource, observing that this matter for whether a consultation was essential has been considered on a case-by-case basis.

A decision not to consult was taken if the TPC established they were minor technical changes in nature. The TPC agreed that greater clarity would be helpful from CW and RB to assist the TPC when they had agreed a consultation was not required, including how this information is reflected in the explanatory memorandum accompanying an SI that provides detailed information about the purpose, impact and context of the rule amendments.

- 3.6. Regarding the planned amendment to rule 7 of the Property Chamber Rules, to which the TPC consulted on during 2025. PBS noted that, following the consultation response document being published, the drafting lawyer preparing the SI had highlighted potential consequential amendments which had not been set out in full in the consultation response document. The TPC discussed whether the final form of the indicative drafting for the proposed rule change might differ sufficiently from that consulted on to require the TPC to conduct a subsequent consultation. It was agreed that further legal analysis was needed to clarify if there was a fundamental difference/the scope of the amendments and to assess whether any further consultation would be required by the TPC.
- 3.7. The TPC noted the position and agreed that the proposed work should be taken forward with MoJ officials and legal advisers to finalise the proposed rule 7 amendments and advise on any additional consultation requirements, if needed.

AP/27/26: To confirm the position at the May meeting on the proposed amendments for cases under the Leasehold and Freehold Reform Act 2024 following judicial engagement/discussions. - **PBS**

AP/28/26: Further analysis to be undertaken on the proposed rule 7 amendment of the Property Chamber Rules relating to service, including consideration of future consultation requirements. – **CW & RB**

4. Employment Tribunals Subgroup

- 4.1. MR provided an update on the planned third tranche of drafting work relating to further changes to the Employment Tribunal (ET) rules. It was noted that a draft position paper had been developed setting out the scope of proposed rule changes. The ET Subgroup had considered the premise for the scope for potential rule changes set out in the paper and was broadly in agreement in principle with the specified proposals.
- 4.2. It was further noted that discussions were ongoing with the ET Presidents to identify judicial priorities and to determine which proposals could most realistically be progressed, having regard to the scale of the proposed changes and resource constraints.
- 4.3. The TPC agreed that it would be helpful to receive the final settled paper at a future meeting, together with an assessment of those proposals

considered suitable for early progression, in order to provide a clear overview of the proposed workplan.

- 4.4. The TPC also noted that certain issues arising from this drafting exercise, including potential amendments to the overriding objective and matters relating to litigation capacity. These issues may have wider relevance across the ET's jurisdictions. It was agreed that these highlighted issues should not delay progress on potential ET-specific rule changes but may require consideration at a broader level at the right time.
- 4.5. The TPC received an update by ID on work relating to the transfer for rule making powers for the Employment Appeal Tribunal (EAT) Rules from the Lord Chancellor to the TPC.
- 4.6. It was noted that discussions had taken place with Lord Fairley the President of the EAT and MoJ policy officials. The TPC was informed that the next stage of the work will involve the EAT President producing, by the summer, an initial outline ("sketch") of a revised EAT rules framework, developed on a rules-first basis.
- 4.7. It was noted that this work is being progressed outside the TPC's work programme and reflects current legal and policy workload constraints to progress the transfer for the EAT rule making powers. The TPC further noted that progress in this area will support alignment with the ongoing work of the Online Procedure Rules Committee's (OPRC) framework to all proceedings in relation to employment claims so that the OPRC has rule making powers over the full range of employment matters at the right time.

AP/29/26: To provide the TPC with a paper setting out the proposed ET rule changes, together with an indication of priorities, for consideration at the 11 May 2026 meeting. – MR

5. Immigration and Asylum Chambers Subgroup (IACSG)

- 5.1. The attendees received an update from MB on the current consultation concerning amendments to the Upper Tribunal Rules to align judicial review procedure more closely with the Administrative Court. It was noted that the consultation was now live and would close on 12 June 2026. No substantive issues were reported at this stage, although wider stakeholder responses were still expected. The TPC noted the position update.

6. HSW Subgroup

- 6.1. The TPC received an update from AS on potential work relating to proposals for amendments to the Tribunal Procedure Rules applicable to the Health, Education and Social Care Chamber (HESC). The TPC was informed that a draft paper setting out a range of proposed amendments to

the HESC rules is currently in development. It was further noted that the draft contains a substantial number of proposed changes and will require further refinement. The TPC recognised the scale of the proposed amendments and emphasised the importance of prioritisation, as well as the need to manage expectations regarding what can realistically be progressed within available resources. The TPC noted the position and that further work is ongoing

- 6.2. It was noted that drafting support is in progress, including the appointment of a principal judge to assist the Chamber President in relation to the rule changes affecting the Social Entitlement Chamber (FtT).

7. Costs Subgroup

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

- 7.1. MR provided an update on the drafting exercises for i) the consultation on possible amendments to the costs/expenses rules in the FtT, UT and ETs and ii) the consultation on possible amendments to cost powers in the Lands Chamber (UT) Rules.
- 7.2. In relation to work relating to proposed amendments to the UT costs-shifting powers. It was noted that drafting work remains in progress and is currently with MoJ legal advisers for their consideration. The TPC noted that further work will be undertaken following receipt of that legal advice.
- 7.3. In relation to proposed amendments to costs, expenses, pro bono costs and interest, it was noted that revised drafting had been received and was minor in nature. Subject to final review, the draft paper would be circulated to the TPC for agreement/ sign off prior to consultation. It was noted that one outstanding issue related to the drafting of the explanation concerning the position in ETs.
- 7.4. The TPC noted the progress made and agreed that the draft should be circulated for final review.

AP/30/26: To incorporate minor amendments and circulate the draft FtT costs consultation to the TPC for review prior to publication. – **MR**

8. Online Procedure Rules Committee

- 8.1. SOB provided an update on the work of the OPRC in respect of proposed rules governing the practice and procedure for online tribunal proceedings in tribunal jurisdictions. This included the outcomes of the mapping exercise on how the possession and Property Chamber digital services can align with the OPRC's intentions for property proceedings.

- 8.2. SOB said he had attended the OPRC meeting held on 23 March 2026, at which final amendments to the draft Core Online Procedure Rules were discussed following consultation. The rules have now been submitted to the appropriate judiciary including the Senior President of Tribunals for their review.
- 8.3. SOB further reported that he had been co-opted onto an OPRC subgroup considering Money Claims and Damages Claims. It was noted that the scope of this work is extensive, and that decisions are yet to be taken as to the extent to which existing practice directions will be incorporated into, or converted within, the Online Procedure Rules.
- 8.4. The TPC noted that the overarching rules establish a general framework, and that detailed application within individual tribunals will be addressed at a later stage, including through chamber-specific provisions where appropriate.
- 8.5. The TPC noted the importance of maintaining alignment between the work of the OPRC and the TPC, given the potential implications for tribunal procedure. It was agreed that it is important for the TPC to be kept informed of developments in the OPRC's work and to ensure that a TPC perspective is represented where appropriate.

AP/31/26: To consult with relevant contacts and coordinate arrangements to support SOB's ongoing engagement with the Online Procedure Rules Committee. - **VP**

9. Contempt of Court Judicial Working Group

- 9.1. MB provided an update on the ongoing work of the Contempt of Court (CoC) judicial working group in their exercise to develop/prepare a draft template for CoC procedure rules. It was noted that a first version of a draft set of rules has been prepared and is intended to apply across tribunal jurisdictions. The TPC was informed that the draft rules had only recently been circulated to the working group members for their consideration and comment.
- 9.2. MB said that the COC working group is scheduled to meet on 20 April 2026. MB would not be available to attend the meeting and confirmed that SOB would be attending on his behalf. He would provide his comments on the draft rules in advance of that meeting to SOB.
- 9.3. The TPC agreed that the draft rules should be circulated to members to enable further comments to be provided ahead of the meeting.

10. Future Plans

TPC engaging with government departments regarding their proposals for potential rule amendment brought about by policy/legislative change- exercise to provide guidance information

- 10.1. FE provided an update on the planning exercise to develop proactive arrangements for rule development and engagement with government departments and other bodies/parties submitting their proposals for rule amendments. It was noted that initial discussions had taken place, including circulation of proposals and contributions from the pertinent TPC members by email correspondence. It was recognised that further work is required to develop an all-encompassing approach for the TPC guidance for proposed rule amendments.
- 10.2. The TPC discussed the importance of establishing a clearer framework for engagement between the TPC and Government departments/officials, including identifying appropriate trigger points for TPC involvement in policy development and changes to legislative tribunal appeal redress processes.
- 10.3. It was agreed that it would be helpful to develop a draft document setting out a proposed approach, which could be used as a basis for further discussion and refinement.
- 10.4. The TPC noted that engagement would need to involve both MoJ policy and MOJLA, and that relevant key contributors should be identified as part of this process. The TPC noted the position and agreed that further work should be undertaken to develop proposals for future planning and engagement.

AP/32/26: To arrange a meeting with relevant MoJ policy and legal colleagues to develop proposals for future planning and engagement, and to report back to the TPC at the May meeting. – **VP**

11. Overview Subgroup

- 11.1. AH provided an update on the developing work programme and planning for future SIs, including the Autumn 2026 Rules SI package.
- 11.2. It was noted that recent discussions had taken place between the Chair, the Secretariat, MOJ officials and MoJ legal advisers (MOJLA) to consider how best to prioritise the various work items currently underway, factoring in the available TPC and MoJLA resources. The TPC was informed that a number of proposed rule changes are in development across different jurisdictions, and that these will need to be prioritised based on readiness, complexity, and available policy and legal resources.

11.3. The TPC noted that the proposed programme includes a range of workstreams, including:

- Further amendments relating to the ET rules.
- Property Chamber rule changes including an amendment to rule 7 that dealt with the service of documents) and changes arising from the Leasehold and Freehold Act 2024.
- Tribunal costs power rule changes
- Reforms relating to the Electronic Communications Code.
- Amendments relating to judicial review in the UT.

11.4. It was noted that some of these items are further advanced and may be suitable for inclusion in the Autumn 2026 Amendment Rules SI package, while others will need to be progressed at the proper time as part of a later SI cycle.

11.5. The TPC recognised the importance of maintaining a structured approach to work planning, including identifying key milestones for the pre-planning stages of consultation, sufficient time for drafting a SI and implementation, in order to support effective delivery and to assist the government meet its policy objectives and goals.

11.6. The TPC discussed the increasing volume of amendments work and the potential need to prioritise between competing proposals. It was noted that resource constraints, particularly within MOJLA, may limit the number of items that can be progressed within a single SI package. The TPC acknowledged that, while it has a role in progressing rule changes, there are practical limits to delivery which must be taken into account.

11.7. The TPC discussed whether a formal approach to prioritisation should be developed, noting that other Justice Rule Committees have adopted governance frameworks to guide their decision-making. It was recognised that further consideration may be required as the volume of work continues to increase.

AP/33/26: To develop a forward work programme, including indicative timelines for consultations and drafting, for consideration by the TPC at the May TPC meeting.
VP/ MoJ officials

NEXT MEETING: Monday 11 MAY 2026