

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

**Monday 11 May 2026**

**Meeting (Hybrid) at Field House, Breams Buildings, 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)
- Matt Jackson (MJ)
- Angela Shields (AS)
- Faridah Eden (FE)
- Joy Hosie (JH)
- Charlotte Wright (CW)
- Razana Begum (RB)
- Naomi Bruneel (NB)
- Vijay Parkash (VP)
- Hanna Polanszky (HP)

#### **Apologies**

- Philip Brook Smith KC (PBS)
- Gareth McMahon (GM)
- Gareth Wilson (GW)
- Gregory Smith (GS)

#### **Guests**

- John Keith (JK)
- Michael Blackwell (MB)
- Rawfiah Choudry (RC)

## 1. **Introductory Matters**

- 1.1. ID opened the meeting by welcoming attendees and extending a particular welcome to guests attending for the first time a TPC meeting. These guests included Upper Tribunal (UT) Judge John Keith (JK) who has been appointed by the President of the Immigration and Asylum Chamber (UT IAC) as the UT IAC liaison judicial representative to the TPC.
- 1.2. ID also welcomed Rawfiah Choudry (RC) from the Ministry of Justice (MOJ) the Deputy Director for the Tribunals, Fees and Irregular Migration Policy division, and Judge Michael Blackwell, as the nominated Tax Chamber (First-tier Tribunal (FtT)) representative attending in connection with the proposed judicial amendments for proposed changes to the Tax Chamber (FtT) Rules.
- 1.3. The TPC noted apologies for an absence for PBS.

### **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 formal appointment letters (stating their anticipated start dates as members of the TPC at the proper time).

### **Matt Jackson (Lady Chief Justice appointment )**

- 1.5. ID reported that MJ has been reappointed for a second term as a non-judicial member of the TPC. His second term runs for a further three years from 7 November 2026.

### **Preliminary matters**

- 1.6. The TPC considered the draft minutes of the 30 March 2026 meeting and approved the draft minutes for publication.

## 2. **Immigration and Asylum Chambers Subgroup (IACSG)**

- 2.1. MB informed the attendees that the consultation concerning amendments to the UT Rules to align judicial review procedure more closely with the Administrative Court was now open and would close on 12 June 2026. Presently, no substantive issues were reported at this stage, although wider stakeholder responses were still expected. The TPC noted the position update.

## 3. **GTCL Subgroup**

- 3.1. ID noted the increasing number of active proposals for rule amendments under the GTCL Subgroup's workstream. He highlighted the need for additional support from the TPC members in progressing them, particularly

in the absence of PBS and his imminent departure as a serving TPC member. His current term on the TPC was due to end in July 2026.

*Proposed changes to Tax Tribunal Procedure Rules policy paper*

- 3.2. Consideration was first given to proposals from the Tax Chamber (FtT), put forward by Judge Brown KC, the President of the Tax Chamber (FtT) and presented by Judge Michael Blackwell (MB). MB stated that the proposed rule amendments sought to streamline procedures and improve efficiency in the FtT by removing unnecessary provisions and shortening various time limits in legal processes in tribunal proceedings. In summary the proposals for potential amendments to the current Tax Chamber (FtT) Rules were:

Rule 17 (Withdrawal)

- To remove rule 17 that currently provides for withdrawal of a claim by a party in limited and narrow situations.

Rule 25(1)(c) (Statement of Case)

- To amend the time limit for rule 25(1)(c) for statement of case from 60 days to 30 days.

Rule 38 (Setting Aside a Decision)

- Add as rule 38(2)(d) an additional condition that a summary decision has been issued containing an error of law and a party has requested a full facts and reasons decision.

Rule 39(2) (Permission to Appeal)

- To reduce the time limit for requesting permission to appeal from 56 days to 28 days.

- 3.3. MB explained that the proposal to remove rule 17 reflected the existence of a statutory withdrawal mechanism under Section 54 of the Taxes Management Act 1970, the legislation which already enabled parties to reach binding agreements without reliance on the procedural rule. Further proposals included reducing the time allowed for HM Revenues & Customs (HMRC) to file statements of case in complex appeals, clarifying the procedure for setting aside short or summary decisions, and shortening the time limit for applications for permission to appeal.

- 3.4. The TPC discussed the practical implications of reducing HMRC's response times, with concerns raised regarding HMRC's existing administrative resource capacity pressures and the likelihood of increased applications for extensions of time being submitted by litigants. Questions were also raised about whether amendments to rule 38 were necessary, particularly given related practices already adopted in other FtT chambers.

The TPC agreed in principle to explore the proposed rule changes further and accepted that a public consultation exercise would be required before any amendments were progressed. MJ agreed to lead on the drafting exercise to prepare a draft consultation paper and undertaking the preliminary work required in relation to the set aside and withdrawal proposals.

**Proposed Amendments to the General Regulatory Chamber Rules for Terrorism (Protection of Premises) Act Determinations**

- 3.5. The TPC considered the proposed amendments to rule 22 of the General Regulatory Chamber (GRC) Rules needed to accommodate appeals and determinations arising from measures in the Terrorism (Protection of Premises) Act 2025. The proposals for rule changes had been requested by the Home Office (HO).
- 3.6. The TPC discussed the proposals and agreed that in principle the amendments appeared ‘technical’ in nature and necessary to align the procedural rules with the new statutory legislative framework. The TPC expressed concerns about aspects of the proposed drafting suggested by the HO legal advisers and the need to ensure the provisions operated correctly in practice by the Tribunal.
- 3.7. The TPC agreed that a condensed consultation should be undertaken before the potential rules changes were progressed further. DF and GF agreed to take the matter forward, supported by a judicial assistant resource if available.

**Financial Conduct Authority- consumer redress scheme (Section 404D of Financial Services and Markets Act 2000)**

- 3.8. The TPC discussed the proposed amendments concerning Section 404D of the Financial Services and Markets Act 2000. The attendees were reminded that the matter had first been raised in October 2025 but had not progressed due to competing TPC priorities and drafting capacity pressures.
- 3.9. MJ agreed to lead on the drafting exercise to prepare a draft consultation paper with judicial assistance support if available.

**Leasehold and Freehold Reform Act 2024**

- 3.10. JD provided an overview of the scoping work relating to the proposed amendments to the Property Chamber Rules arising from the Leasehold

and Freehold Reform Act 2024 (LFRA). He explained that the principal changes involved the creation of a new category of “estate management” cases to deal with freehold estate charges analogous to existing leasehold service charge disputes. New amendments were proposed to ensure the costs provisions in rule 13 reflected the new jurisdiction and aligned to other jurisdictions operating a costs regime.

- 3.11. The attendees discussed the prospective implementation and legislative timetable. MJ asked how urgent the potential rule changes were needed and when the relevant provisions of the LFRA were expected to come into force. JD explained that the provisions would be commenced at different time intervals and that the legislative commencement timetable remained uncertain, although there was an expectation that some provisions may come into force in early 2027. VP suggested that the expectation from MHCLG was that the proposed amendments would ideally be introduced in Autumn/ late 2026 via a statutory instrument (SI). CW noted that if drafting instructions could be settled by the end of June 2026, the amendments could potentially proceed in the Autumn 2026 Rules SI package, but this anticipated deadline would be difficult if a public consultation proved necessary due to time constraints.
- 3.12. The TPC discussed whether a public consultation would be necessary. RB advised that, in her view, the amendments appeared ‘technical’ in nature and consistent with previous related Property Chamber rule changes that had not required consultation, i.e., amendments in respect to the Renters’ Rights Act 2026. The TPC discussed whether any consequential amendments to the existing costs provisions within the Property Chamber Rules would be required as part of the proposed changes arising from the LFRA. It was noted that the principal amendments relating to the new estate management jurisdiction appeared largely technical in nature, although further work/ consideration was needed to determine whether any additional changes to rule 13 (orders for costs, reimbursement of fees and interest on costs) would be necessary.
- 3.13. The TPC agreed in principle to pursue the amendments. JD agreed to be the TPC lead to progress this work. JD said he would discuss the matter with the President of the Property Chamber (FtT) who had already provided her comments in respect to potential drafting suggestions for the needed rule changes as discussed. JD agreed to provide a position note (acting as drafting instructions) to CW and RB for the 08 June TPC meeting.

#### Amendments to rule 7 on service of the Property Chamber Rules

- 3.14. RC provided an update on the amendments to rule 7 of the Property Chamber Rules concerning service of directions and documents. RC outlined the broader governmental programme of Property Chamber-related reforms currently underway, including the work strands for the

Electronic Communications Code, the LFRA and the amendments needed for the Online Safety Act 2023. She confirmed that the MoJ Tribunals policy team was willing to provide and support project management activities and the coordination of the legislative work for the TPC in collaboration with the Ministry of Justice (MoJ) legal advisers (MOJLA).

- 3.15. The attendees were informed that progress on rule 7 of the Property Chamber Rules (service of documents) had been delayed due to preceding unresolved drafting questions raised by the Government Legal Department Statutory Instrument (SI) Hub drafting lawyer. Including issues concerning the definition of directions, the interaction between different procedural notices and decisions, and whether time limits should apply to service obligations imposed on parties. JD agreed to consult the President of the Property Chamber and to work further with MoJ officials and MOJLA to resolve the outstanding issues before the matter returned to the TPC for further deliberation.

*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)*

- 3.16. RB provided an update on amendments relating to the Electronic Communications Code. She confirmed that a first version of a draft SI had been circulated to JD for comment and invited any observations before the draft instrument progressed into legal clearance. RB noted that the work remained on track for inclusion in a bespoke SI to be laid before Parliament in July 2026. JD confirmed that, following consulting the President of the Property Chamber, that it was their preliminary views that no amendments were required to the Lands Chamber (UT) Rules in connection with those proposals.
- 3.17. ID reiterated his concerns regarding the increasing workload of the GTCL subgroup, noting the volume and complexity of current projects. The TPC agreed that the current structure and resourcing of the GTCL subgroup should be discussed further at a future TPC meeting, particularly in light of upcoming TPC members departures and the continuing increase for amendment proposals that required the attention/resource of the GTCL subgroup.

**AP/34/2026:** To progress the drafting exercise for the development of required amendments to the Property Chamber Rules to accommodate LFRA measures (including the consideration of whether a public consultation is required to address proposed consequential costs amendments) - **JD,CW,RB**

**AP/35/2026:** To prepare a first draft of a consultation paper detailing the judicial proposals relating to withdrawal provisions, statements of case, setting aside

decisions and permission to appeal timelines - **MJ**

**AP/36/2026:** To consider the outstanding drafting/procedural issues raised by the SI Hub lawyer and determine whether a further public consultation is required regarding the rule 7 Property Chamber amendments- **JD, CW, RB**

**AP/37/2026:** To agree/ finalise the draft amendments and progress through legal clearance checks for the Electronic Communication Code work – **JD and RB**

**AP/38/2026:** i) To prepare a first draft of a consultation paper relating to the FCA consumer redress scheme ii) to secure a judicial legal assistance support resource to assist with the drafting exercise – **MJ and ID**

**AP/39/2026:** To prepare a first draft of a consultation paper detailing the proposed amendments needed to accommodate appeals and determinations for the Terrorism (Protection of Premises) Act 2025 – **DF and GF**

#### 4. **Employment Tribunals Subgroup**

- 4.1. MJR introduced the work undertaken by the Employment Tribunals (ET) subgroup, explaining that it drew on work and reflected priorities identified by the respective ET Presidents. He noted that the subgroup's work was intended to provide a broad overview of potential future ET reform areas for consideration by the TPC, including a number of issues with wider cross-jurisdictional implications, these included the following matters: i) overriding objective (allocation of resources), ii) open justice in case management decisions, iii) totally without merit findings, iv) transcript as written reasons, v) strike out / unless orders / deposits, vi) National Minimum Wage appeals & vii) Costs
- 4.2. Discussion focused particularly on proposals relating to the overriding objective. The TPC noted that issues concerning allocation of Tribunal judicial and administrative resources were not unique to the ETs and may be relevant across other Tribunals jurisdictions. FE observed that similar considerations may need to be reflected elsewhere within the two-tier Tribunal system.
- 4.3. The TPC discussed the use of transcripts as written reasons in ET proceedings and wider technological developments within wider Tribunals proceedings. ID noted that, while there was interest in progressing such approaches, not all Tribunal Chambers currently had the technological capability to support them consistently.

- 4.4. The TPC further discussed judicial proposals relating to transparency and open justice reforms, including public access to case management hearings. MJR noted that a public consultation would be necessary before any open justice reforms could proceed. The TPC members raised concerns regarding privacy, dispute resolution processes and the practical implications of increased public access, while recognising the need for the TPC to engage with the wider transparency and open justice agenda. ID noted that if respondent/stakeholder feedback did not support reform proposals, that the position could be reflected accordingly.
- 4.5. The TPC agreed in principle to continue progressing the work identified by the subgroup. ID indicated that he would seek additional judicial assistant resources to support the potential consultation drafting exercise and development work.

**AP/40/26:** To prepare a first draft of an ET consultation paper ii) To secure judicial legal assistance support resource to assist with the TPC drafting exercise – **MJR and ID**

## 5. **HSW Subgroup**

- 5.1. ASC provided a synopsis on the likely upcoming work of the HSW subgroup and noted that there were no substantive updates in relation to existing actions or priorities identified by the Presidents of the Social Entitlement Chamber (SEC) and the Health, Education and Social Care Chamber. The attendees were informed that work within the SEC was continuing in relation to proposed procedural changes, including recruitment of additional support to assist with that work.

## 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. The TPC noted that the consultation relating to interest on costs, payments on account of costs and pro bono costs awards had been published on 6 May 2026 on the government website and would close on 29 July 2026.



Potential rule amendments to the Lands Chamber Rules - costs-shifting powers in cases within its first instance jurisdiction to determine statutory or contractual claims for compensation

- 6.2. The TPC discussed the ongoing work relating to potential amendments to the Lands Chamber (UT) Rules concerning costs-shifting powers in cases within its first instance jurisdiction to determine statutory or contractual claims for compensation. The attendees noted that drafting and legal work remained ongoing and that the proposals continued to advance following earlier approval in principle by the TPC.
- 6.3. The TPC discussed the anticipated work timetable for progressing the proposals through a future SI process and noted that a consultation may be required due to the potential cross-jurisdictional implications of the proposed amendments. MJ noted that, if a public consultation were required, the TPC would likely need to approve the draft consultation material at the 06 July 2026 meeting in order to maintain progress towards including the potential amendments in a Spring 2027 TPC Rules SI package.

**7. Online Procedure Rules Committee**

- 7.1. SOB provided an update following his attendance at the Online Procedure Rules Committee (OPRC) meeting held on 27 April 2026 and the inaugural Damages and Money Claims Working Group meeting in respect to related digitalisation tribunals work.
- 7.2. In relation to the Draft Core Online Procedure Rules SI, members noted that the draft OPRC Rules had progressed following consultation and subsequent drafting changes and were expected to move to the next stage of the legislative process. The TPC also discussed wider practical issues relating to the operation of online procedures within Tribunal chambers, including the extent to which jurisdictions currently had the technological capability and infrastructure necessary to support fully online processes to be used by litigants.

**8. Contempt of Court Judicial Working Group**

- 8.1. SOB updated the attendees following his attendance at the Contempt of Court (CoC) Procedure Rules Working Group meeting held on 20 April 2026. The TPC noted ongoing discussions relating to phase 2 of the Law Commission's work concerning contempt powers and protected bodies (following the Law Commissioner Part 1 report, published in November 2025).
- 8.2. SOB explained that one significant issue raised within the CoC Working Group concerned whether their proposals should extend contempt powers to tribunals, enabling them to manage disruptive conduct more effectively and to have the ability to refer matters onwards rather than exercise powers directly.

- 8.3. It was noted that the Parole Board had informally indicated that it would not wish to exercise powers to commit for new contempt reform powers itself but would support having referral powers available.
- 8.4. MB reported that senior judicial feedback indicated broad support for clearer contempt powers to be adopted in the FtT, although there was a preference that any such powers within the FtT should be exercised by more senior judges or operate through referral mechanisms to the UT or High Court.
- 8.5. JH similarly reported that feedback obtained from Scotland supported clearer powers relating to contempt and referral mechanisms, together with greater clarity in the law more generally. ACS noted that related discussions with the Law Commission remained ongoing across several justice jurisdictions.
- 8.6. The attendees noted that substantive reform in this area would likely require statutory legislative change rather than an amendment through Tribunal Procedure Rules alone to clarify and codify the law of contempt. MJ also observed that the TPC operated across jurisdictions that had territorial extent beyond England and Wales and that any future reforms on the law of contempt would therefore require consideration of wider cross-border justice implications and support.

## 9. **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*

- 9.1. The TPC discussed the ongoing work to improve forward planning, prioritisation and engagement between the TPC, government departments and sponsoring bodies in relation to Tribunals rule reform projects.
- 9.2. The attendees noted that discussions had taken place between TPC representatives and MoJ policy and MOJLA officials regarding possible improvements to existing secretariat processes, including the development of a forward look of anticipated projects, clearer prioritisation of proposals and improved visibility of legislative timetables. The TPC also discussed the review of prioritisation and “indicator value rating” approaches to assist with managing competing workstreams and assessing the impact of delays to proposed rule changes to be included in upcoming TPC SI Rules packages.
- 9.3. The TPC welcomed the ongoing work undertaken to date and noted that further proposals and supporting material would be brought back to a future meeting for consideration at the proper time.

**AP/43/26:** To circulate the draft guidance and template submission to the TPC members for their comment - **FE**

## **10. Overriding objectives**

- 10.1. The TPC discussed ongoing work relating judicial reform proposals to transparency and open justice across Tribunal jurisdictions, including consideration of overriding objective provisions within the existing sets of Tribunal Chamber Rules. The attendees noted that preliminary comparative work had been undertaken across tribunals chambers jurisdictions and discussed how potential amendments and consultation proposals in this subject area might be developed further.
- 10.2. The TPC deliberated the wider transparency and open justice agenda being progressed across the judiciary, including work being undertaken by the Transparency and Open Justice Board. The TPC also debated the practical implications of transparency proposals within tribunal proceedings, including concerns relating to privacy and the operation of case management and dispute resolution discussions.
- 10.3. The TPC agreed that further consideration should be given to possible amendments to the overriding objective rule provisions and to how any consultation proposals in this subject matter might be developed and enhanced. GF agreed to lead the drafting work alongside other TPC members.

**AP/41/26:** To consider the amendments to the overriding objective provisions across Tribunal chamber jurisdictions ii) To provide the judicial legal assistance support resource to assist GF with the scoping exercise – **GF and ID**

**AP/41/26:** To report the TPC observations in respect to the issue of ‘Open Justice’ and changes required to the overriding objective in each Tribunal Chamber Rules to the Tribunal Chamber Presidents ii) To report any subsequent judicial comments received to this matter to the TPC. - **NB**

## **11. Overview Subgroup**

- 11.1. The TPC reviewed the current TPC work programme and considered the status of ongoing projects across the various Tribunal jurisdictions. The TPC discussed the existing indicator status/red, amber and green prioritisation rating approach used to monitor progress and priorities and considered whether further modification to the TPC work programme tracking arrangements would be helpful.

11.2. The TPC also discussed the development of a more detailed forward-planning tracker intended to provide greater visibility of consultation timelines, SI planning and dependencies between projects. The TPC noted that the revised approach would assist with identifying potential pressures and overlaps across the wider programme of reform work.

11.3. The TPC agreed that the TPC work programme and prioritisation arrangements should continue to be kept under review by the Secretariat in light of the increasing volume of ongoing projects.

## 12. **AOB**

12.1. The TPC briefly discussed the development of the MoJ forward work planner spreadsheet which is a detailed work planning tracker intended to provide greater visibility of consultation timelines, project dependencies and wider programme management considerations across ongoing reform projects. The TPC agreed that this will be addressed at the 08 June 2026 meeting.

**AP/44/26:** To provide an update on the MoJ and MOJLA work to assist the TPC to effectively manage the forward-looking TPC workplan to best prioritise rule amendments in future TPC Rules SI packages - **VP and ID**

**NEXT MEETING: Monday 08 June 2026**