

Tribunal Procedure Committee (TPC) Meeting Minutes

Monday 08 June 2026

Meeting (Hybrid) at Field House, Breams Buildings, London

Minutes

Present

In Person/online

- Lord Justice Ian Dove (ID)
- Matt Jackson (MJ)
- Angela Shields (AS)
- Michael Reed (MJR)
- David Franey (DF)
- Susan Humble (SH)
- Mark Blundell (MB)
- Gillian Fleming (GF)
- Faridah Eden (FE)
- Joy Hosie (JH)
- Jonathan Dobson (JD)
- Razana Begum (RB)
- Vijay Parkash (VP)

Apologies

Philip Brook Smith KC (PBS)
Sean O'Brien (SOB)
Sanaz Saifolahi (SS)
John Keith (JK)
Charlotte Wright (CW)
Laurie Marks (LM)
Hannah Polanszky (HP)

Guests

Rawfiah Choudry (RC)

1. Introductory Matters

- 1.1. ID opened the meeting by welcoming attendees. The TPC noted apologies from PBS, SOB, SS, JK, CW, LM and HP.

TPC Appointments

- 1.2. The TPC noted the appointment of Sanaz Saifolahi as a Lord Chancellor-appointed member of the TPC with effect from 1 June 2026. The TPC was informed that SS was unable to attend the June meeting due to a pre-existing business commitment.

Judicial Assistance Resource

- 1.3. ID provided an update on the ongoing work to secure further judicial assistant resource to support the TPC's rolling programme of work. The TPC noted progress in the recruitment exercise and the continuing need for additional support to assist with the increasing volume of work to consider the many new appeal rights and consequential technical amendments, brought about by government departments and legislative change work.

Preliminary Matters

- 1.4. The TPC considered the draft minutes of the 11 May 2026 meeting and approved the presented draft minutes for publication on the government website.
- 1.5. The TPC reviewed the current TPC meeting action log and noted progress against outstanding actions.

2. Immigration and Asylum Chambers Subgroup

- 2.1. MB provided an update on the consultation exercise concerning proposed amendments to the Upper Tribunal (UT) Rules relating to judicial review procedure. The TPC noted that presently three consultation responses had been received to date. No significant issues had emerged from those responses.
- 2.2. MB confirmed that the consultation would close on 12 June 2026. The Secretariat would provide the consultation responses to MB following closure of the consultation to assist consideration by the IACSG of the proposed next steps.

3. GTCL Subgroup

GTCL Subgroup Structure Review

- 3.1. ID introduced the agenda item by noting the significant volume of work currently sitting within the GTCL Subgroup's remit, covering the General Regulatory Chamber, Property Chamber and Tax Chamber. The TPC noted that PBS and SH's terms were due to end on 3 July 2026 and that succession planning for the subgroup's leadership and supplementing the membership's resource would therefore need to be considered.
- 3.2. The TPC discussed the need to review the subgroup's oversight structure in light of forthcoming subgroup member departures and the continuing increase in rule amendment proposals arising from legislative and policy changes. Members considered whether the current subgroup's workstream should be separated into distinct chamber work areas, particularly in relation to work arising from the Property Chamber, Tax Chamber and the General Regulatory Chamber. ID asked VP to discuss the matter with his Tribunals policy colleagues with a view to conduct a horizon scanning exercise to identify any potential new work that could be directed to the subgroup in the foreseeable future for the current tribunal chambers that came under its governance remit.

AP/45/26: To discuss with the tribunals policy team any potential new work/amendments proposals from government departments that would impact on the GTCL Subgroup's work remit – VP

Leasehold and Freehold Reform Act 2024 and rule 7 of the Property Chamber Rules

- 3.3. JD updated the attendees on his work relating to the Leasehold and Freehold Reform Act 2024 amendments. He reported that discussions had taken place with Judge McGrath, the President of the Property Chamber concerning the proposed amendments and whether any additional modifications were required.
- 3.4. JD commented that the proposed definition of “estate management cases” was unlikely to be needed because the past application type list, into which the new category would have been added no longer existed. Further consideration was being given to whether any consequential amendments would be necessary elsewhere within the Property Chamber Rules.
- 3.5. The TPC discussed the requirement to ideally settle drafting instructions by the end of June 2026, if the amendments were to remain on track for inclusion in the Autumn 2026 TPC Rules statutory instrument (SI) package.
- 3.6. JD emphasised the need to resolve the outstanding drafting issues promptly and requested that progress updates be circulated outside the formal meeting cycle by JD and RB where appropriate.

AP/46/26: To resolve the outstanding drafting issues relating to the Leasehold and Freehold Reform Act 2024 amendments and provide drafting instructions to the MoJ Legal Advisers by the end of June 2026 – JD & RB

Proposed changes to the Tax Chamber Rules

- 3.7. The TPC considered the note concerning rule 38 (setting aside a decision) of the Tax Chamber Rules. The members discussed whether the proposed amendment was necessary in light of the existing review and permission to appeal provisions within the current Tax Chamber Rules.
- 3.8. MJR noted that there may already be a procedural route available through the existing review jurisdiction and questioned whether an amendment as proposed was required.
- 3.9. The TPC agreed that the issue should form part of the proposed consultation exercise to determine whether there was support for the rule 38 amendment proposal. It was further agreed by the TPC that the planned consultation paper should explain both the proposal advanced by the President of the Tax Chamber and the alternative view/suggestion that a rule amendment may not be necessary.
- 3.10. MJ with the support of Judge Blackwell, agreed to prepare a draft consultation paper for consideration at the next scheduled meeting on 06 July 2026.

AP/47/26: To prepare a first version of a draft consultation paper concerning the proposed Tax Chamber Rule amendments package. – MJ / Judge Blackwell.

Section 11 of the Terrorism (Protection of Premises) Act 2025- in respect of applications for a determination

- 3.11. DF introduced the draft consultation paper relating to proposed amendments to the General Regulatory Chamber Rules required in respect of applications for a determination under section 11 of the Terrorism (Protection of Premises) Act 2025 (“the Act”).
- 3.12. DF explained that two principal rule amendments were proposed. The first concerned a proposal to make provision for applications for a determination under Section 11 of the Act. The second proposal concerned the information/contents required to accompany applications to be included in the ‘notice of appeal’ to a tribunal.
- 3.13. The TPC discussed the proposed reference to a prescribed form for parties. MJR expressed concerns regarding the use of prescribed forms by parties. He suggested that any necessary information required by parties to be included in the ‘notice of appeal’ form could instead be directed through a judicial practice direction to guide/focus parties in respect to compliance requirements.
- 3.14. The TPC agreed that the latest version of the draft consultation paper should proceed, subject to removal of the reference to a prescribed form. The TPC also agreed that the draft consultation paper should be sent to the President of the General Regulatory Chamber, for his view before publication.
- 3.15. The TPC noted that the anticipated implementation timetable would align with the intended laying date for the Spring 2027 Rules SI.

AP/48/26: To amend the draft consultation paper following TPC comments, circulate the draft paper to the President of the General Regulatory Chamber for his comment and progress the consultation exercise – DF / GF / VP

Financial Conduct Authority consumer redress scheme

- 3.16. MJ provided an update on the proposed amendments concerning Section 404D of the Financial Services and Markets Act 2000. The TPC noted that further scoping work was necessary to clarify the policy rationale underpinning the proposed rule changes before drafting work could commence to prepare a draft consultation paper.

AP/49/26: To prepare a note setting out the proposed amendments, policy rationale and next steps concerning the Financial Conduct Authority consumer redress scheme for consideration at the 06 July 2026 meeting – MJ / GF.

Electronic Communications Code appeals

- 3.17. RB provided an update on the drafting exercise in respect to the 'Electronic Communications Code' rule amendments. The TPC noted that the amendments had previously been agreed in principle and that work was continuing with MoJ policy officials and MoJ legal advisers to progress the draft SI.
- 3.18. The TPC noted that the 'Electronic Communications Code' SI was expected to be laid before Parliament on 09 July 2026 subject to securing a laying date from the parliamentary legislative branch and obtaining ministerial clearance. RB said she expected to seek the members' signatures for signing the SI during week commencing 21 June 2026.

AP/50/26: To circulate the final version of the Electronic Communications Code SI to the TPC members for their signature. – RB

4. Employment Tribunals Subgroup

- 4.1. MJR provided an update on the ongoing work of the Employment Tribunals Subgroup in respect to the drafting exercise to prepare a draft consultation paper. The aspiration was to circulate the document at the next scheduled meeting on 06 July 2026.
- 4.2. MJR explained that, following discussions with ID and GF, the work relating to proposals for amendments to the topics: i) overriding objectives and ii) resource allocation provisions, would be progressed alongside the wider open justice workstream rather than through the matter being included in a bespoke Employment Tribunals public consultation.

AP/51/26: To prepare a first version of a draft Employment Tribunals consultation paper for the 06 July 2026 meeting – MJR

5. HSW Subgroup

- 5.1. AS reported that discussions had taken place with the President of the Social Entitlement Chamber (SEC) concerning judicial proposals for possible amendments to the SEC Rules. The TPC noted that a judicial paper was currently being prepared setting out the proposals. The judicial paper was expected to be sent to the TPC for their consideration after the summer break.
- 5.2. AS advised the attendees that Judge Farrelly had been recently appointed the new President of the War Pensions and Armed Forces Compensation Chamber. His appointment commenced on 20 July 2026. She added that she would approach Judge Farrelly at the right time to discuss any new proposals arising from that chamber.

6. Costs Subgroup

- 6.1. MJ provided an update on the ongoing work of the Costs Subgroup. The TPC noted that the consultation concerning interest on costs, payments on account of costs, pro bono costs awards and costs in the Lands Chamber had launched on 6 May 2026 and was due to close on 29 July 2026.

- 6.2. The TPC also considered progress on potential amendments to the Lands Chamber Rules, concerning costs-shifting powers in cases within its first instance jurisdiction to determine statutory or contractual claims for compensation.
- 6.3. FE provided an update on the Online Safety Act 2023 consultation. The TPC noted that the consultation had closed on 21 May 2026 and that five replies had been received from respondents. FE explained that she was considering the responses and subsequently prepare a draft consultation response paper.

AP/52/26: To prepare a draft paper and circulate for the 06 July 2026 meeting– FE

7. Online Procedure Rules Committee

- 7.1. The TPC noted that the most recent meeting of the Online Procedure Rules Committee had been held on 11 May 2026. The TPC noted developments in relation to the draft Core Online Procedure Rules SI and wider work concerning the digitalisation of property matters across civil and tribunal jurisdictions.
- 7.2. The TPC noted that the draft Core Online Procedure Rules SI had now been approved by the OPRC, and the instrument were expected to progress through the ministerial and legislative clearance process. Members noted that the current work remained focused on damages claims and property matters, with further jurisdiction-specific work anticipated to be implemented in staggered phases.

8. Contempt of Court Judicial Working Group

- 8.1. MB provided an update following his attendance at the Contempt of Court Working Group on 03 June 2026. The TPC discussed the Law Commission's ongoing review of contempt powers and deliberated in relation to this matter whether an option for each tribunal jurisdiction (First -tier Tribunal (FtT) and UT) should have their own independent powers in respect of contempt of court powers or alternatively whether the FtT should have explicit powers to refer to their relevant UT allegations of contempt and later the UT would deal with the contempt issue.
- 8.2. Members agreed that judicial views should be sought from Tribunals Chamber Presidents regarding the preferred model. The TPC also noted that the Scottish Tribunal perspectives would need to be considered as part of any future response to the Law Commission on this topic.

AP/53/26: To seek views from Chamber Presidents on the preferred model for contempt powers within tribunal jurisdictions and prepare a paper for consideration at the July meeting –TPC Secretariat

9. Future Plans

- 9.1. FE provided an update on the ongoing work to prepare TPC guidance for government departments bringing forward proposals for Rule amendments

arising from policy or legislative change that then would be added to the TPC work programme.

- 9.2. It was agreed that a revised draft version would be brought back to the next meeting for approval and eventual publication on the TPC webpages on the government website.
- 9.3. FE asked VP to seek assistance from the MoJ Tribunal Policy team in order for them to provide information on any fresh developments in respect to the MoJ exploring new ways of engaging with government departments earlier in the policy or legislative development process, in which TPC engagement could be flagged at an earlier stage.

AP/54/26: To update the draft guidance for government departments (following consideration of received TPC comments) and to circulate a final version for consideration and approval at the 06 July 2026 meeting – FE

AP/55/26: To check with the MoJ Tribunal Policy team for any new developments in respect to the MoJ exploring new ways of engaging with government departments earlier in the policy or legislative development process – VP

10. Open Justice and Transparency Board

- 10.1. ID provided an update on the judicial work concerning the principle of 'open justice in the legal system' and proposed amendments to the 'Overriding Objective' provisions across tribunals jurisdictions .
- 10.2. ID explained that discussions had taken place with the Civil Procedure Rule Committee (CPRC) and that further engagement was planned with both the CPRC and the Family Procedure Rule Committee.
- 10.3. The TPC discussed the distinction between substantive legal rights and procedural mechanisms intended to facilitate those rights. Members agreed that a consistent approach across jurisdictions in the Justice system would be desirable and that further work should be undertaken before detailed drafting proposals were developed.
- 10.4. The TPC also discussed whether making specific rules governing the appointment of a 'Litigation Friend' and other practical issues associated with persons who lack capacity. Members expressed the preliminary view that many of the identified issues discussed appeared to arise from operational and funding considerations rather than deficiencies in the existing tribunals procedural rules framework.
- 10.5. The TPC agreed it was important to ensure a consistent approach across all tribunals chambers in relation to any new procedural rules required for the handling of these types of cases, such as exist in the Civil Procedure Rules. The TPC discussed whether it would be helpful to consult the Chamber Presidents regarding whether any potential procedural rule changes were considered necessary in this area.

- 10.6. Following the discussion the TPC agreed to progress this matter that it would approach the Chamber Presidents of the FtT and UT in respect to obtaining their judicial views to whether their Chamber required specific rules governing the appointment of a Litigation Friend.

11. Overview Subgroup

- 11.1. ID introduced the updated TPC work programme, which had been circulated by the Secretariat on 28 May 2026. The TPC considered the current work programme, including the volume of ongoing projects and the need to manage available TPC capacity effectively.

12. Tribunal Procedure (Amendment) Rules 2026 SI Exercise

- 12.1. VP introduced the item concerning the proposed Autumn 2026 Tribunal Procedure Rules SI package. The TPC noted that the amendments currently identified for possible inclusion concerned: i) rule 7 of the Property Chamber Rules, ii) Leasehold and Freehold Reform Act 2024-related amendments, and iii) Online Safety Act 2023 appeals.
- 12.2. CW and RB were invited to outline the key milestones and target dates for any outstanding drafting instructions to be provided to MoJ Legal Advisers and the SI Hub ahead of the 06 July 2026 meeting.

13. AOB

- 13.1. ID noted that the June meeting would be SH's final TPC meeting before the end of her term. ID thanked SH for her invaluable work, significant contribution and insight over the many years she had been a TPC member including her work on consultation exercises and procedural reform projects.
- 13.2. SH thanked the TPC members and other attendees for their support and reflected positively on her experience as a TPC member. She noted that she had learned a great deal during her time on the TPC and wished members well in progressing the substantial future TPC work programme.

Next TPC meeting Monday 6 July 2026.