

June 2026

Tribunal Procedure Committee

Consultation on possible amendments to the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009 in respect of applications for a determination under section 11 of the Terrorism (Protection of Premises) Act 2025.

Introduction

1. The Tribunal Procedure Committee (“**TPC**”) is the body that makes rules to govern practice and procedure in the First-tier Tribunal and in the Upper Tribunal. It is an independent Non-Departmental Public Body, sponsored by the Ministry of Justice. Information on the TPC can be found at:
www.gov.uk/government/organisations/tribunal-procedure-committee
2. The TPC is established under section 22 of, and Schedule 5 to, the [Tribunals, Courts and Enforcement Act 2007](#) (“**the TCEA**”), with the function of making Tribunal Procedure Rules for the First-tier Tribunal (“**FTT**”) and the Upper Tribunal (“**UT**”).
3. Section 22(4) of the TCEA requires that the TPC’s rule-making powers be exercised with a view to securing that:
 - (1) in proceedings before the First-tier Tribunal and Upper Tribunal, justice is done;
 - (2) the tribunal system is accessible and fair;
 - (3) proceedings before the First-tier Tribunal or Upper Tribunal are handled quickly and efficiently;
 - (4) the rules are both simple and simply expressed; and
 - (5) the rules where appropriate confer on members of the First-tier Tribunal, or Upper Tribunal, responsibility for ensuring the proceedings before the tribunals are handled quickly and efficiently.

4. The TPC seeks, among other things, to:
 - (1) make the rules as simple and streamlined as possible;
 - (2) avoid unnecessarily technical language;
 - (3) enable Tribunals to continue to operate tried and tested procedures which have been shown to work well; and
 - (4) adopt common rules across Tribunals wherever possible.
5. The TPC also has due regard to the public-sector equality duty contained in section 149 of the Equality Act 2010 when making rules.

Background

6. The [Terrorism \(Protection of Premises\) Act 2025](#) (“**the Act**”) received Royal Assent on 3 April 2025. It applies to England, Wales, Scotland and Northern Ireland. [Statutory Guidance](#) was issued in April 2026. It is anticipated that the substantive provisions of the Act will come into force in or after April 2027.
7. The Act is part of the Government’s response to the inquiries which followed the two terror attacks in 2017 at Manchester Arena and London Bridge. Schedules 1 and 2 to the Act set out the criteria for determining which premises and events will be within its scope. That could range from events at a large arena or concert venue to much smaller events, such as an event at a village hall.
8. The Act requires premises and events within its scope to ensure that steps have been taken to prepare for potential terrorist attacks and to get ready to help keep people safe in the event of an attack. In addition, certain larger premises and events will be required to consider and, where appropriate, take steps to reduce their vulnerability to acts of terrorism.
9. The Security Industry Authority will provide the regulatory functions, including inspection of qualifying premises and events, investigating suspected non-compliance and taking enforcement action.

Section 11 Applications

10. Section 11 reads as follows:

“11. Determinations by the tribunal

- (1) An interested person may apply to the tribunal for a determination of any of the following matters –***
 - (a) whether premises are qualifying premises;***
 - (b) whether qualifying premises are enhanced duty premises;***
 - (c) the relevant Schedule 1 use of qualifying premises;***
 - (d) whether an event is a qualifying event;***
 - (e) the premises at which a qualifying event is to be held;***
 - (f) whether a person is responsible for qualifying premises or a qualifying event;***
 - (g) whether a person is required to co-operate with the person responsible for enhanced duty premises or a qualifying event (see section 8(5) and (6)).***

- (2) In this section “interested person” means –***
 - (a) the Security Industry Authority, or***
 - (b) any person who has (or, in relation to an event, will have at any point during the event) control to any extent of the premises or event to which the application relates.”***

11. It is envisaged that an application might be made under this provision (a “**section 11 application**”) in advance of a proposed event in order to identify whether the Act applies. An application might also seek a determination as to who is responsible, such as where a tenant of premises seeks a determination that the landlord is responsible. Alternatively a tenant might seek a determination that

the landlord is under a duty to cooperate if consent from the landlord is required for alterations to the premises.

12. The “tribunal” is defined by section 33 to mean the First-tier Tribunal, and any section 11 application will be allocated to the General Regulatory Chamber of the First-tier Tribunal (the “**GRC**”).

The Purpose of This Consultation

13. Proceedings in the GRC are governed by the [Tribunal Procedure \(First-tier Tribunal\) \(General Regulatory Chamber\) Rules 2009, SI 2009 No. 1976](#) (“the Rules”). The Rules may need to be amended to enable section 11 applications to be presented, managed and determined once the Act comes into force.

Current Provisions and Proposed Amendments

14. Not all proceedings in the GRC are by way of an appeal against an earlier decision. In Rule 1(3) an “appellant” is defined as:

“A person who ... commences Tribunal proceedings, whether by making an appeal, an application, a claim, a complaint, a reference or otherwise ...”

15. In the same rule a “notice of appeal” is defined as

“...a document which starts proceedings.”

16. These two provisions appear broad enough to encompass section 11 applications, whether or not there is a prescribed form for such applications.
17. However, there are other provisions in the Rules which may require amendment in order to ensure that section 11 applications can be properly addressed.

Time Limits

18. Rule 22 makes provision for time limits for a notice of appeal. Rule 22(6) specifies the time limits for a number of different types of appeal, failing which Rule 22(1)(b) provides a default time limit as follows:

“... within 28 days of the date on which notice of the act or decision to which the proceedings relate was sent to the appellant.”

19. Rule 22(1A) excludes from the default time limit two specific types of proceedings initiated by the Immigration Services Commissioner under the Immigration and Asylum Act 1999 which are not in the nature of an appeal. In those cases there is no decision to be challenged which sets time running.
20. Similarly, in a section 11 application there will have been no decision against which an appeal is being brought, and therefore no defined point from which time could start to run. An application can be made at any time.
21. It is therefore proposed that a further sub-paragraph should be added to Rule 22(1A) to exclude such applications from the default 28 day time limit rule. It is proposed to add the following as Rule 22(1A)(c):

“an application for a determination made by an interested person under Section 11 of the Terrorism (Protection of Premises) Act 2025”

Contents of Notice of Appeal

22. As noted above, a document which starts proceedings is defined as a notice of appeal in rule 1(3).
23. Rule 22(2) sets out what must be included in a notice of appeal:

“(2) The notice of appeal must include –

- (a) the name and address of the appellant;**
- (b) the name and address of the appellant's representative (if any);**
- (c) an address where documents for the appellant may be sent or delivered;**
- (d) the name and address of any respondent;**
- (e) details of the decision or act, or failure to decide or act, to which the proceedings relate;**
- (f) the result the appellant is seeking;**
- (g) the grounds on which the appellant relies; and**
- (h) any further information or documents required by a practice direction."**

24. In a Section 11 application there will be nothing to provide in respect of sub-paragraph (e), and no "grounds" to provide under sub-paragraph (g). It might also be thought that (f) could be inappropriate if the application is made by the interested person with an open mind as to the desired result.
25. In these applications there is no "respondent" in the sense of a person or body whose decision is being appealed. However, other persons with an interest in the premises or event, and/or the Security Industry Authority, may wish to participate in the proceedings. It is suggested that the rules be amended to require the Notice of Appeal to be provided to any person who may be an interested person under section 11(2).
26. The proposal is to insert a new sub-rule (Rule 22(2B)) addressing these applications for a determination as follows:

"(1) If the proceedings are an application for a determination under Section 11(1) of the Terrorism (Protection of Premises) Act 2025, the notice of appeal must include –

- (a) the name and address of the appellant;**

- (b) the name and address of the appellant's representative (if any);***
 - (c) an address where documents for the appellant may be sent or delivered;***
 - (d) the name and address of any other person who is or may be an interested person under Section 11(2) of the Terrorism (Protection of Premises) Act 2025;***
 - (e) details of how the person making the application is an interested person under Section 11(2) of the Terrorism (Protection of Premises) Act 2025;***
 - (f) details of the matter, premises or event for which a determination is sought, including the address of any premises and the dates of any events; and***
 - (j) any further information or documents required by a practice direction.”***
- (2) The notice of appeal and any documents attached to it must also be sent or delivered to such persons as are identified as interested persons in the Notice of Appeal pursuant to rule 22B(1)(d) above, and each such person shall be treated as a respondent for the purposes of these rules unless the Tribunal directs otherwise. “***

Consultation

27. The TPC has been asked to make these changes by the Home Office as part of planning for the implementation of these provisions.
28. The TPC considers that the Rules need to be amended to ensure that section 11 applications can be presented, managed and determined once the Act is in force, and considers that the proposed Rule changes set out above may well be appropriate.

29. However, the TPC has decided to consult on this matter to enable those responding to the consultation to identify any other provisions in the Rules which might require amendment, or to suggest alternative ways of effecting Rule changes.

Questions

30. The TPC invites responses to the following questions:

Question 1: Do you agree that it is appropriate to amend the Rules so as to make provision for applications for a determination under Section 11 of the Act?

Question 2: Do you agree that the amendments proposed in this paper are an appropriate way of amending the Rules? If not, please explain why that is and suggest any alternative proposals.

Question 3: Are there any other Rules which may require amendment to enable these applications to be addressed?

How to Respond

Please reply using the response questionnaire template.

Please send your response by **Monday 24 August 2026** to one of the following:

Email : tpcsecretariat@justice.gov.uk

Post: Tribunal Procedure Committee
Access to Justice Directorate
Policy, Communications and Analysis Group
Ministry of Justice
Post Point: 7.55
102 Petty France
London
SW1H 9AJ

Extra copies of this consultation document can be obtained using the above contact details or online at: <http://www.justice.gov.uk/about/moj/advisory-groups/tribunal-procedure-committee/ts-committee-open-consultations>