

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

**Monday 06 July 2026**

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

## **Minutes**

### **Present**

#### **In Person/online**

Lord Justice Ian Dove(ID)  
Matt Jackson (MJ)  
Michael Reed (MJR)  
David Franey (DF)  
Susan Humble (SH)  
Gillian Fleming (GF)  
Faridah Eden (FE)  
Joy Hosie (JH)  
Jonathan Dobson (JD)  
Sean O'Brien (SOB)  
Sanaz Saifolahi (SS)  
Charlotte Wright (CW)  
Laurie Marks (LM)  
Razana Begum (RB)  
Vijay Parkash (VP)  
Hannah Polanszky (HP)

#### **Apologies**

Angela Shields (AS)  
Mark Blundell (MB)

#### **Guests**

John Keith (JK)  
Gareth Wilson (GW)  
Gareth McMahon (GM)  
Dr Joan Rutherford (JR)  
Rawfiah Choudry (RC)

### **1. Introductory Matters**

- 1.1. ID welcomed attendees to the meeting and extended a particular welcome to the TPC's new members, Sanaz Saifolahi, Peace Egbulefu and Jennifer McCarthy, who were attending their first meeting following their appointments by the Lord Chancellor to the Committee.
- 1.2. ID informed the attendees that Philip Brook Smith KC's term of office had concluded on 4 July 2026. Members formally recorded their appreciation for his significant contribution to the work of the TPC since its establishment in 2008 and noted he was a founder member. The TPC acknowledged his leadership of the GTCL Subgroup, his unwavering commitment and energy to deliver the TPC's work during his tenure on the TPC. ID confirmed that he would write formally to PBS to thank him for his longstanding service and significant support to the TPC.

### Judicial Assistance Resource to the TPC

- 1.3. ID provided an update on the ongoing exercise to identify and secure further judicial assistant resource to support the TPC's rolling programme of work. The TPC noted progress in the enlistment exercise and the continuing need for additional support to manage the increasing volume of work being directed to the Committee. This included the consideration of the many new appeal rights and consequential technical amendments, arising from legislative changes being taken forward by central government departments.

### Preliminary Matters

- 1.4. The TPC noted that the finalised statutory instrument (SI) 'the Tribunal Procedure (First-tier Tribunal) (Property Chamber) (Amendment No. 2) Rules 2026' had recently been circulated by RB for signature and the SI was expected to be laid before Parliament during the week commencing 06 July 2026.
- 1.5. The TPC considered the draft minutes of the 08 June 2026 meeting and approved the presented draft minutes for publication on the government website pending some minor amendments.
- 1.6. The attendees reviewed the current TPC meeting action log and noted progress of the recorded action points against outstanding actions.

## **2. Immigration and Asylum Chambers Subgroup**

- 2.1. SOB provided an update on behalf of MB on the consultation exercise to prepare a response document concerning possible amendments to the Upper Tribunal Procedure Rules in respect of applications for judicial review.
- 2.2. Members noted that four consultation responses had been received. The majority of respondents were supportive of the proposals, subject to a number of drafting comments. The attendees considered the principal issues arising from the responses.
- 2.3. The TPC considered the drafting approach proposed in the draft response regarding interest on costs and agreed that the wording should be amended to reflect that the matter was already being considered as part of a wider consultation on Upper Tribunal costs provisions.
- 2.4. The attendees also considered whether provision should be introduced to permit applicants to file a reply to an acknowledgement of service document. Following discussion, the TPC agreed that the existing procedure should be retained and endorsed the approach set out in the draft consultation response document.
- 2.5. The TPC further considered whether an application for permission to appeal should be served on respondents prior to determination. The TPC agreed that the current *ex parte* procedure (brought by one party in the absence of and without representation of or notification to the other party) should remain unchanged,

noting that parties to the proceedings would have an opportunity to participate if permission to appeal was granted by the Tribunal.

- 2.6. Subject to the agreed drafting amendments, the TPC approved the draft consultation response document as presented for publication subject to RB and CW's legal clearance. SOB agreed to assist RB and CW with any legal drafting queries.

**AP/56/2026:** To make the agreed drafting amendments and provide drafting instructions to MoJ Legal to enable the amendments to be progressed for inclusion in the planned Autumn 2026 Statutory Instrument- **SOB**

### 3. **GTCL Subgroup**

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

- 3.1. JD updated the attendees on his fact-finding work relating to the proposed amendments to the Property Chamber Procedure Rules and the Upper Tribunal Procedure Rules arising from the implementation of the Leasehold and Freehold Reform Act 2024 (the "Act"). He advised the attendees that these potential amendments had previously been considered by the TPC following a request from the Ministry of Housing, Communities and Local Government to review whether consequential changes to the current Property Chamber Procedure Rules were required.
- 3.2. JD advised that, following further discussions with the President of the Property Chamber of the First-tier Tribunal (FtT) and further detailed consideration of the legislation, the current joint view was that no amendments to the Property Chamber Procedure Rules were required at the present time. Whilst it remained possible that issues could arise once the relevant provisions of the Act came into force, no immediate amendments had been identified as necessary.
- 3.3. The TPC agreed that no further action was required at this time and that the position should remain under review. The TPC noted that, as a consequence, this potential amendment would no longer form part of the upcoming Autumn 2026 SI Rules package.

#### Proposed changes to the Tax Chamber Procedure Rules

- 3.4. MJ provided an update on work relating to proposed amendments to the Tax Chamber Procedure Rules requested by the Tax Chamber senior judiciary. He advised that drafting remained in progress and that further work was being undertaken before settled proposals were brought before the TPC for consideration.
- 3.5. The TPC noted the update and agreed that a draft consultation paper should be brought forward following the summer break in readiness for the matter to be revisited at the 5 October 2026 meeting.

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

- 3.6. The TPC noted that the consultation exercise on proposed amendments to the General Regulatory Chamber Procedure Rules arising from the Terrorism (Protection of Premises) Act 2025 had commenced on 29 June 2026. The engagement exercise was due to end on 24 August 2026.

Financial Conduct Authority consumer redress scheme

- 3.7. MJ updated the attendees on work relating to proposed amendments to the Upper Tribunal Procedure Rules arising from the Financial Conduct Authority's consumer redress scheme jurisdiction. He advised that further background material had been obtained from his Majesty Courts and Tribunals Service, which had assisted the subgroup in understanding the procedural issues arising from previous proceedings and would inform the preparation of the draft consultation paper.
- 3.8. MJ explained that the current proposal was to make limited amendments to Part 4 of the Upper Tribunal Procedure Rules by adapting the existing judicial review provisions. He also invited the TPC's views on whether the consultation document should propose exercising the rule-making power contained within the enabling legislation to permit the Upper Tribunal (UT) to suspend all or part of a consumer redress scheme pending the determination of review proceedings.
- 3.9. The TPC considered that the proposal warranted further investigation and agreed that the scope of the consultation should be extended to seek views from potential respondents on the exercise of that power. The TPC also agreed that the Chamber President of the Tax and Chancery Chamber (UT) should be consulted to establish their views before the draft consultation paper was finalised and published.
- 3.10. MJ confirmed that a draft consultation paper would be brought to the 5 October 2026 meeting.

**AP/57/2026:** To prepare a draft consultation paper for consideration at the 05 October 2026 TPC meeting- MJ

GTCL subgroup restructure

- 3.11. The TPC considered the current structure of its subgroups, specifically the GTCL Subgroup. ID observed that, following the departure of PBS as Chair of the GTCL Subgroup, it was an appropriate time to consider the subgroups remit. The GTCL Subgroup's remit covered the following FtT and UT Chambers: The General Regulatory Chamber, the Tax Chamber, the Property Chamber, the Tax and Chancery Chamber (UT) and the Lands Chamber (UT).
- 3.12. The TPC noted that these Chambers historically generated the majority of proposals for rule amendments arising from the tribunals system. Members agreed, in principle, that the GTCL Subgroup's work should be restructured into

three distinct subgroups covering the Property Chamber, the Tax Chamber and the General Regulatory Chamber. The TPC further agreed that members should be invited to express an interest in serving on at least two subgroups to support the future distribution of work.

**AP/58/2026:** To circulate the revised subgroup structure document and invite members to indicate their preference regarding the subgroups on which they wished to serve - TPC Secretariat

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

- 4.1. MJR advised that, whilst good progress had been made in developing the first version of the draft consultation paper for the next tranche of further potential Employment Tribunals (ET) amendments, the draft document was not yet ready for the TPC's consideration. He explained that further scoping and engagement work with the appropriate parties was required to determine which proposals should be prioritised and included in the final consultation draft. He highlighted, in particular, the proposal concerning whether a transcript of recorded ET proceedings should be made available to parties, on which discussions with the ET Presidents were continuing.
- 4.2. MJR advised that the planned consultation was intended to address a range of potential amendments to the ET Rules, including the following preliminary topics: i) the overriding objective, ii) case management discussions, iii) totally without merit findings, iv) transcripts as written reasons, v) strike out and unless orders, deposits, vi) National Minimum Wage appeals and vii) costs. However, further drafting work was required to refine the package before consultation could commence.
- 4.3. ID acknowledged that some of the proposals were more complex than others, requiring further work to settle the proposals. He encouraged the subgroup to consider whether less ambitious reforms could be progressed separately, rather than delaying all proposals pending resolution of the more complex issues. Members agreed that it would be helpful to identify those proposals capable of being progressed independently.
- 4.4. CW requested that the draft consultation paper, when available, be shared with MoJ Legal (MOJLA) for review before being brought back to the TPC for sign-off.
- 4.5. The TPC noted the latest position and agreed that the subgroup should continue to develop the draft consultation package for consideration at the 5 October 2026 meeting.

**AP/59/2026:** To i) continue development of the draft consultation paper, ii) engage further with the Employment Tribunals Presidents as necessary and iii) circulate the draft consultation paper to MoJ Legal for review in advance of the October meeting -MJR

## 5. HSW Subgroup

### Potential amendments to the Health, Education and Social Care Chamber Procedure Rules

- 5.1. FE introduced a judicial proposal to amend the Health, Education and Social Care Chamber Procedure Rules to abolish the current process whereby the Tribunal medical member conducts a medical examination of the patient prior to the hearing. FE explained that the proposal had senior judicial support.
- 5.2. Dr Joan Rutherford, the Chief Medical Member, attended the meeting to support FE with any questions from the TPC arising from the discussion. JR advised that the proposal had been under consideration for some time and that one of the principal drivers was the need to make more efficient use of medical members resources. She explained that recruiting medical members had become more challenging as the role was now largely undertaken by practising consultant psychiatrists whose availability was more limited than previously. JR also noted that experience during the COVID-19 pandemic had demonstrated that Mental Health Tribunal hearings could proceed effectively without mandatory pre-hearing examinations and that there was no evidence that their removal had affected Tribunal redress outcomes.
- 5.3. Members discussed the proposal and sought clarification on a number of issues, including the implementation of the Mental Health Act 2025 reforms, the availability of up-to-date medical evidence and whether patients should continue to have the ability to request a pre-hearing examination. JR explained that improvements to medical reporting meant that the Chamber now routinely received more consistent and up-to-date clinical evidence. She also confirmed that the proposal was intended to remove both the mandatory requirement for pre-hearing examinations and the existing ability for patients to request one.
- 5.4. JH outlined the position in Scotland, noting that the Mental Health Tribunal for Scotland relied on up-to-date medical evidence provided by the treating psychiatrist rather than a separate pre-hearing examination. Members noted the comparison but recognised that the proposal before the TPC applied solely to the territorial extent for England. Members also noted that there were different rules for Mental Health Review Tribunals in Wales and rules for Mental Health Tribunals in Scotland.
- 5.5. The TPC agreed, in principle, that a consultation paper should be prepared on the proposed amendments as discussed. Members requested that the consultation paper clearly explain the rationale for the proposal and specifically seek views on the removal of both the mandatory requirement for, and the ability to request, a pre-hearing examination.

**AP/60/2026:** FE to prepare a draft consultation paper for consideration by the TPC at its October meeting, reflecting the issues raised during the discussion.

## **6. Costs Subgroup**

- 6.1. MJ updated the attendees on the consultation exercise concerning proposed amendments to the Upper Tribunal Procedure Rules relating to: i) interest on costs, ii) payments on account of costs, iii) pro bono costs awards and iv) the costs regime to be operated in the Lands Chamber of the Upper Tribunal (UT). Members noted that the consultation, which had commenced on 6 May 2026, would close on 29 July 2026.
- 6.2. MJ also updated the TPC on work relating to proposed amendments to the Lands Chamber Procedure Rules concerning costs-shifting powers in first-instance statutory and contractual compensation claims. He advised that the draft consultation was close to finalisation and would be issued, subject to final drafting amendments and legal checks by MOJLA.
- 6.3. The TPC noted the update and thanked MJ for his work in finalising the draft consultation document.

## **7. Online Procedure Rules TPC**

- 7.1. SOB updated the attendees on recent developments relating to the Online Procedure Rules SI titled 'the Online Procedure (Rules and Practice Directions) Rules 2026'. He advised that the instrument had been laid before Parliament on 26 June 2026 and is expected to come into force on 7 September 2026.
- 7.2. SOB also updated the TPC on the development of the supporting Practice Direction (PD) to be prepared by the Civil Procedure Rules Committee (CPRC), explaining that drafting work was continuing to finalise the PD that governs the types of claims that could be issued using the Possession Claim Online service. He noted that further work remained before the PD could be finalised and published on the HMCTS website.
- 7.3. The TPC noted the update and that work on the digitalisation of the Residential Property jurisdiction of the Property Chamber (FtT) continued under the governance of the Online Procedure Rule Committee. No issues requiring action were identified by the TPC at this stage.

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

- 8.1. SOB updated the attendees on the ongoing work of the judicial working group tasked with considering whether changes were needed in relation to 'contempt of court' and other potential changes to the Tribunal Procedure Rules. He advised that a second draft of the template Procedure Rules had been prepared and that TPC members had been invited to provide their comments to assist the judicial working group in updating the first draft document. He also noted that responses

- had been received from the Tribunal Chamber Presidents setting out their views on the future approach to contempt of court powers within the tribunals system.
- 8.2. The TPC noted that the Secretariat had collated the judicial responses received from the Tribunal Chamber Presidents, including their views on another legal matter on the making of rules for the appointment of litigation friends in tribunals.

### Litigation Friends in Tribunals

- 8.3. The attendees discussed the matter of litigation friends in Tribunals and noted that there was no consistent approach across the jurisdictions in the FtT and UT. Whilst some jurisdictions/ Tribunal Chambers considered that Tribunal Procedure Rules governing the matter of 'litigation friends' may be beneficial, others considered that existing arrangements remained appropriate and required no further changes. The TPC agreed that further work would be required to establish the scope of any future rule changes concerning the appointment of litigation friends before determining whether amendments to the Tribunal Procedure Rules should be pursued.
- 8.4. During discussion, JH highlighted the increasing use of artificial intelligence (AI) by parties appearing before tribunals and noted that this was beginning to raise procedural issues, including the use of AI-generated responses during hearings and AI-generated submissions. Members agreed that the increasing use of AI was likely to present wider ethical, legal and reliability issues for tribunals and should be kept under review alongside the TPC's work on contempt of court and litigation friends.
- 8.5. The TPC agreed that both contempt of court and litigation friends workstreams should remain active on the TPC Work Programme.

**AP/61/2026:** To circulate the updated second draft template Procedure Rules to the TPC members to enable comments to be provided to SOB and MB (for submission to the Contempt of Court Judicial Working Group).- TPC Secretariat

### **9. Future Plans- publication of TPC Guidance documents**

- 9.1. FE presented the revised draft guidance for government departments together with the accompanying submission template. She explained that both documents had been updated following comments received at the 8 June 2026 meeting. The guidance documents were intended to support earlier engagement between Central government policy teams and the TPC where policy or legislative proposals may require amendments to the current Tribunal Procedure Rules.
- 9.2. The TPC considered the revised guidance and accompanying template and agreed that they clearly set out the information that recipients should aim to provide when submitting their proposals for amendments to the Tribunal Procedure Rules. Subject to final drafting amendments and review by MoJ Legal, the TPC approved both documents for publication on the TPC webpage.

- 9.3. RC updated the TPC on ongoing scoping work being undertaken across the Ministry of Justice to address the rising demand across the Tribunals system arising from policy and legislative change together with possible initiatives to manage these challenges. She advised that a number of significant policy programmes were progressing across several chamber jurisdictions, including employment, immigration and special educational needs and disabilities, and that the MoJ was considering a broader review of tribunal demand to address capacity across the tribunal system. The attendees noted that the TPC was likely to consider proposals as a result of this demand policy work as it developed.
- 9.4. During discussion, members considered the potential implications of forthcoming policy and legislative changes for the TPC's future work programme. ID observed that aspects of the Immigration and Asylum Bill 2026 appeared to provide for rule-making outside the statutory TPC framework and noted that the TPC would need to consider any implications during Bill passage.

## **10. Open Justice and Transparency Board**

- 10.1. ID updated the TPC on discussions with the Open Justice and Transparency Board following a recent meeting with Isabel Hitching KC, who is leading the CPRC's work on the matter of developing the principle of Open Justice within the civil justice system. He advised that the CPRC was considering making amendments to its rule on the overriding objective, to better reflect the general principles of open justice and its development within the Courts, but that further work was being undertaken to understand the wider implications of such amendments across the jurisdictions in which the Civil Procedure Rules operate.
- 10.2. The TPC discussed whether similar amendments to the current set of Tribunal Chamber Procedure Rules might be appropriate. Members noted that, whilst incorporating the principle of open justice within the overriding objective appeared relatively straightforward to implement via rule changes, careful consideration would be required to ensure that any amendment operated consistently with the wider context in which the Tribunal Procedure Rules governed and did not create unintended consequences for existing rule provisions. These included those relating to privacy and closed hearings, anonymity in judgements/decisions and requests from the media or public for the disclosure of documents.
- 10.3. Members noted that the CPRC was further advanced in its consideration of Open Justice and agreed that the TPC should continue to monitor developments before determining whether any amendments to the current Tribunal Procedure Rules should be brought forward. The TPC further agreed that, once further work had been undertaken by the CPRC, consideration should be given to the potential implications across the different tribunal jurisdictions before any consultation was undertaken.

## **11. Overview Subgroup**

- 11.1. The TPC work programme had been updated and circulated on 25 June 2026. It was agreed that the TPC work programme should be updated to reflect the latest progress update for each entry.

## **12. Tribunal Procedure (Amendment) Rules 2026 SI Exercise**

- 12.1. The TPC reviewed the proposed contents of the Autumn 2026 Tribunal Procedure (Amendments) Rules Statutory Instrument in light of the decisions taken during the meeting.
- 12.2. Members noted that, following the discussions under earlier agenda items, the proposed amendments relating to Rule 7 of the Property Chamber Procedure Rules and the Leasehold and Freehold Reform Act 2024 would no longer be progressed as part of the Autumn 2026 SI Rules package. The TPC further noted that the amendments arising from the Immigration and Asylum Chamber consultation and the Online Safety Act consultation were sufficiently advanced to proceed.
- 12.3. CW requested that the final consultation response papers and drafting instructions be provided to MOJLA to enable drafting to commence. She advised that, whilst there was no fixed deadline for the Autumn 2026 SI Rules package, progressing the work as early as practicable would allow legal drafting resources to focus on the Spring 2027 Statutory Instrument, which would be subject to a fixed implementation timetable.

**AP/62/2026:** FE and SOB to provide the final consultation response papers and drafting instructions to CW, RB and VP to enable drafting of the Autumn 2026 Statutory Instrument.

## **13. AOB**

- 13.1. RB raised the question of whether the TPC consultation responses published by the TPC should identify individual respondents. Members noted that previous consultation responses had not always adopted a consistent approach and discussed whether a standard approach should be adopted for future consultations.
- 13.2. The TPC agreed that organisations responding to consultations would normally be identified in published consultation responses. Individual respondents would generally not be identified unless there was a specific reason for doing so. Members also agreed that future consultation documents should include a standard statement explaining how responses would be handled and inviting respondents to indicate if they wished their identity to remain confidential, whilst making clear that anonymity could not be guaranteed in all circumstances.

**AP/63/2026:** To prepare a standard statement on the treatment of consultation responses in future TPC consultation documents - TPC Secretariat

**Next TPC meeting Monday 5 October 2026**