STATUTORY INSTRUMENTS

2017 No. 723 (L. 8)

TRIBUNALS AND INQUIRIES

The Tribunal Procedure (Amendment) Rules 2017

Made - - - -	*5th July 2017*
Laid before Parliament	*6th July 2017*
Coming into force in accordance with rule 1	

The Tribunal Procedure Committee has made the following Rules, in exercise of the powers conferred by section 22 of, and Schedule 5 to, the Tribunals, Courts and Enforcement Act 2007(**1**), having consulted in accordance with paragraph 28(1) of Schedule 5 to that Act.

The Lord Chancellor has allowed the Rules in accordance with paragraph 28(3) of Schedule 5 to the Tribunals, Courts and Enforcement Act 2007.

Citation and commencement

1. These Rules may be cited as the Tribunal Procedure (Amendment) Rules 2017 and come into force 21 days after the day on which they are laid.

Amendment to the Tribunal Procedure (First-tier Tribunal) (Health, Education and Social Care Chamber) Rules 2008

2. In the Schedule (Cases in which the Time for Providing the Application Notice is Within 3 Months after Written Notice of the Decision Being Challenged was Sent to the Applicant) to the Tribunal Procedure (First-tier Tribunal) (Health, Education and Social Care Chamber) Rules 2008(**2**) omit—

"An appeal under section 68 of the Care Standards Act 2000(**3**) against a refusal to register a person as a social worker under section 58(**4**) of that Act (grant of refusal of registration).".

(**1**) 2007 c. 15.

(**2**) S.I. 2008/2699. The Schedule was substituted by S.I. 2011/651 and amended by S.I 2014/2128; there are other amending instruments but none is relevant.

(**3**) 2000 c. 14; section 68 was amended by section 230(1) of, and paragraphs 1 and 16 of Schedule 15 to, the Health and Social Care Act 2012 (c. 7), S.I. 2007/3101 and 2016/1030. It was repealed by section 185 of, and paragraphs 40 and 41(b) of Schedule 3 to, the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2).

(**4**) Section 58 was amended by section 63(1) of, and paragraph 16 of Schedule 9 to, the Safeguarding Vulnerable Groups Act 2006 (c. 47), section 230(1) of, and paragraphs 1 and 5 of Schedule 15 to, the Health and Social Care Act 2012 , S.I. 2007/3101 and 2016/1030. It was repealed by section 185 of, and paragraphs 40 and 41(a) of Schedule 3 to, the Regulation and Inspection of Social Care (Wales) Act 2016.

Amendment to the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013

3. The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013(**5**) are amended as follows.

4. In rule 1 (citation, commencement and interpretation) in the definition of "residential property case"(**6**) for "or the 2004 Act" substitute ", the 2004 Act or the Housing and Planning Act 2016(**7**)".

Amendment to the Tribunal Procedure (Upper Tribunal) Rules 2008

5. The Tribunal Procedure (Upper Tribunal) Rules 2008(**8**) are amended as follows.

6. In the table of contents(**9**)—

(a) after the entry for 26B insert—

"26C Financial sanctions cases;";

(b) after the entry for Schedule 3 insert—

"SCHEDULE 4 - Procedure in financial sanctions cases.". —

7. In rule 1(3)(**10**) (citation, commencement, application and interpretation)—

(a) insert at the appropriate place—

""financial sanctions case" means an appeal to the Upper Tribunal under section 147(6) of the Policing and Crime Act 2017(**11**).";

(b) in the definition of "interested party" insert after paragraph (c) —

"(d) in a financial sanctions case, any person other than the appellant upon whom the Treasury has imposed a monetary penalty under Part 8 of the Policing and Crime Act 2017 in connection with the same matters as led to the decision that is the subject of the appeal and who has been added or substituted as an interested party under rule 9 (addition, substitution and removal of parties).".

8. In rule 5 (case management powers) after paragraph (5)(**12**) insert—

"(5A) In a financial sanctions case, the Upper Tribunal may direct that the payment of a monetary penalty that is the subject of an appeal be suspended pending the determination of the appeal or its withdrawal.".

(**5**) S.I. 2013/1169.
(**6**) The definition of "residential property case" was amended by S.I. 2014/2028.
(**7**) 2016 c. 22.
(**8**) S.I. 2008/2698.
(**9**) The table of contents was amended by S.I. 2010/747.
(**10**) Rule 1(3) was amended by section 59(5) of, and paragraph 1(2) of Schedule 11 to the Constitutional Reform Act 2005 (c. 4), S.I. 2010/44, 2010/747 and 2014/514; there are other amendments but none is relevant.
(**11**) 2017 c. 3.
(**12**) Rule 5(5) was inserted by S.I. 2010/747 and amended by S.I. 2013/606.

9. In rule 10 (orders for costs)(**13**) in paragraph (3)—

(a) omit "or" at the end of sub-paragraph (d);

(b) insert "; or" at the end of sub-paragraph (e); and

(c) after sub-paragraph (e) insert—

"(f) if, in a financial sanctions case, the Upper Tribunal considers that the decision to impose or uphold a monetary penalty in respect of which the appeal was made was unreasonable.".

10. In rule 23 (notice of appeal) in paragraph (1)(a)(**14**) for "or 26B" substitute ", 26B or 26C".

11. In rule 24 (response to the notice of appeal) for paragraph (1)(**15**) substitute—

"(1) This rule and rule 25 do not apply to—

(a) a road transport case, in respect of which Schedule 1 makes alternative provision; or

(b) a financial sanctions case in respect of which Schedule 4 makes alternative provision.".

12. After rule 26B(**16**) insert—

"**Financial sanctions cases**

26C. Schedule 4 makes provision for financial sanctions cases.".

13. After Schedule 3 insert—

"SCHEDULE 4 Rule 26C

Procedure in financial sanctions cases

Interpretation

1. In this Schedule—

"2017 Act" means the Policing and Crime Act 2017.

"financial sanctions legislation" has the meaning provided by section 143(4) of the 2017 Act.

"further material" means documents which-

(a) were considered by the Treasury in reaching a decision under section 147(3) of the 2017 Act to impose the monetary penalty that is the subject of the appeal; or

(b) were considered by the Minister in reaching a decision under section 147(4) of the 2017 Act to uphold the monetary penalty that is the subject of the appeal; or

(c) were obtained by either the Treasury or the Minister in connection with a decision described above (whether they were obtained before or after making the decision) but which were not considered by them in reaching that decision, but does not include documents on which the respondent relies in support of the decision made.

(**13**) Rule 10 was substituted by S.I. 2009/274 and amended by S.I. 2009/1975, 2010/747, 2013/477 and 2014/514; there are other amendments but none is relevant.
(**14**) Rule 23(1) was substituted by S.I. 2009/1975 and amended by S.I. 2010/747.
(**15**) Rule 24(1) was substituted by S.I. 2009/1975 and amended by S.I. 2012/1363.
(**16**) Rule 26B was inserted by S.I. 2010/747 and amended by S.I. 2014/514.