STATUTORY INSTRUMENTS

2015 No. 1510 (L. 19)

TRIBUNALS AND INQUIRIES

The Tribunal Procedure (Amendment) Rules 2015

Made - - - -	*8th July 2015*
Laid before Parliament	*15th July 2015*
Coming into force - -	*21st August 2015*

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 2015 and come into force on 21st August 2015.

Amendments to the Upper Tribunal Rules 2008

2. The Upper Tribunal Rules 2008(**2**) are amended as follows.

3. In rule 1(3) (definitions)—

(a) after the definition of "practice direction" insert—

> ""QCS Board" means a Board constituted under Part 2 of the Transport Act 2000(**3**);
>
> "quality contracts scheme" has the meaning provided for in section 124(3) (quality contracts scheme) of the Transport Act 2000(**4**);
>
> "quality contracts scheme case" means proceedings in the Upper Tribunal under Part 2 of the Transport Act 2000;";

(**1**) 2007 c. 15
(**2**) S.I. 2008/2698
(**3**) 2000 c. 38. Part 2 of the Transport Act 2000 has been amended in relation to quality contracts schemes by sections 19 to 39 and 77 of, and Schedule 4 to the Local Transport Act 2008 (c. 26) and the Transfer of Tribunal Functions (Transport Tribunal) Order 2015, S.I. 2015/65.
(**4**) Section 124 (3) has been amended by section 19 of the Local Transport Act 2008 (c. 26).

(b) in the definition of "special educational needs case"(**5**), after paragraph (a) omit "or" and insert—

"(aa) a detained person's EHC needs assessment within the meaning of section 70(5) of the Children and Families Act 2014(**6**); or"

4. In rule 23 (notice of appeal)(**7**)—

(a) for paragraph (2)(b) substitute—

"(b) if permission to appeal is not required, the date on which notice of decision to which the appeal relates—

(i) was sent to the appellant; or

(ii) in a quality contracts scheme case, if the notice was not sent to the appellant, the date on which the notice was published in a newspaper in accordance with the requirement of section 125 (notice and consultation requirements) of the Transport Act 2000(**8**).";

(b) after paragraph (6) insert—

"(7) Paragraph (6)(a) does not apply in a quality contracts scheme case, in respect of which Schedule A1 makes alternative and further provision."

5. In rule 24 (response to the notice of appeal)(**9**)—

(a) after paragraph (2)(aa) insert—

"(ab) in a quality contracts scheme case, no later than 1 month after the date on which a copy of the notice of appeal is sent to the respondent;"

(b) after paragraph (5) insert—

"(6) Paragraph (5) does not apply in a quality contracts scheme case, in respect of which Schedule A1 makes alternative and further provision."

6. In rule 25 (appellant's reply)(**10**)—

(a) after paragraph (2A) insert—

"(2B) In a quality contracts scheme case, the time limit in paragraph (2) is 1 month from the date on which the respondent sent a copy of the response to the appellant.";

(b) after paragraph (3) insert—

"(4) Paragraph (3) does not apply in a quality contracts scheme case, in respect of which Schedule A1 makes alternative and further provision."

7. Before Schedule 1 (procedure after the notice of appeal in road transport cases)(**11**) insert—

"SCHEDULE A1 Rule 23

Procedure in Quality Contracts Scheme cases

1. This Schedule applies to quality contracts scheme cases.

(**5**) The definition of "special educational needs case" in rule 1(3) has been amended by S.I. 2014/2128.
(**6**) 2014 c. 6
(**7**) Rule 23 has been amended by S.I. 2009/1975, 2010/44, 2010/747 and 2012/1363.
(**8**) Section 125 has been amended by section 20 of the Local Transport Act 2008 (c. 26).
(**9**) Rule 24 has been amended by S.I. 2009/1975, 2010/43, 2010/44 and 2012/1363.
(**10**) Rule 25 has been amended by S.I. 2010/44.
(**11**) Schedule 1 was inserted by S.I. 2009/1975 and amended by S.I. 2010/747 and 2012/1363.

Notice of appeal

2. The appellant must send or deliver to the Upper Tribunal the notice of appeal together with the following materials —

(a) a copy of the notice of the decision being challenged;

(b) a copy of any separate written statement of reasons;

(c) copies of the most significant documents (or relevant extracts) on which the appellant relies in support of the grounds stated in its notice of appeal, including—

(i) the quality contracts scheme (or relevant extracts); and

(ii) any report of the QCS Board (or relevant extracts); and

(d) a list of the materials referred to in sub-paragraphs (a) to (c) and where such materials may be accessed (e.g. link to internet webpage).

3. The appellant must, at the same time as sending its notice of appeal to the Upper Tribunal in accordance with paragraph 2, send a copy of the notice of appeal and of the additional materials to the respondent.

4. The Upper Tribunal must send a copy of the notice of appeal and a copy of the list referred to in paragraph 2(d) to the appropriate national authority.

5. The Upper Tribunal may, upon receipt of the notice of appeal, direct the respondent to—

(a) give notice in at least one newspaper circulating in the area to which the scheme relates that a notice of appeal has been received;

(b) give written notice to the persons consulted under section 125(3) (notice and consultation requirements) of the Transport Act 2000 and (if the case may be) those not consulted under section 125(3) but who in the opinion of the QCS Board, under section 126D(1)(b) (consideration of proposed schemes by boards) of that Act, ought to have been so consulted, that a notice of appeal has been received;

(c) make arrangements for a place or website where copies of the notice of appeal and any response or reply and in each case their accompanying documents may be inspected;

(d) ensure that each notice provided for in sub-paragraphs (a) and (b) states—

(i) where copies of the notice of appeal and other documents relating to the proceedings may be inspected; and

(ii) where information about the procedure for applying to be added as a party may be found.

Response to the notice of appeal

6. A respondent must send or deliver to the Upper Tribunal its response to the notice of appeal together with the following materials —

(a) a copy of the most significant documents (or relevant extracts) on which the respondent relies in support of the response;

(b) a list of those documents.

7. The respondent must, at the same time as providing its response to the Upper Tribunal in accordance with paragraph 6, provide copies of that response and of those materials to—

(a) the appellant; and

(b) the appropriate national authority.

8. Any directions given by the Upper Tribunal to the respondent under paragraph 5 are also to be regarded as directions to the respondent to make available for inspection copies of its response and accompanying materials.

Appellant's reply

9. The appellant must send or deliver to the Upper Tribunal its reply (if any) to a response under paragraph 6 together with the following materials—

(a) a copy of any additional documents (or relevant extracts) relied on in support of the reply;

(b) a list of those documents.

10. The appellant must, at the same time as providing its reply to the Upper Tribunal in accordance with paragraph 9, provide a copy of that reply and of those materials to the respondent.

11. The Upper Tribunal must send a copy of the appellant's reply and a copy of the list of documents referred to in paragraph 9(b) to the appropriate national authority.

12. Any directions given by the Upper Tribunal to the respondent under paragraph 5 are also to be regarded as directions to the respondent to make available for inspection copies of the appellant's reply and accompanying materials.

Adding further parties

13. Any person who wishes to be added as a party to the proceedings, and has given notice to the respondent that they received the notice of the appeal in consequence of a direction made under paragraph 5, must apply to the Upper Tribunal in accordance with rule 9 within 1 month of the date on which they received notice of the appeal.

14. Any application to be added as a party must state—

(a) the name and address of the person making the application;

(b) the name and address of the representative (if any) of that person;

(c) an address where documents for that person may be sent or delivered;

(d) whether or not copies of the notice of appeal, any response and any reply has been inspected, along with their accompanying documents;

(e) whether the person making the application supports or opposes the appeal; and

(f) the grounds relied upon for adding the person as a party.

15. The person making the application must provide the following materials with the application—

(a) a copy of the most significant documents (or relevant extracts) on which the person relies in support of the application, if not already listed by a party; and

(b) a list of the documents referred to in sub-paragraph (a).

16. The Upper Tribunal must notify the parties of any application to be joined as a party and send a copy of the list of documents with the notification.

17. The Upper Tribunal may give further directions relating to any application to be added as a party and generally as to the conduct of the case."

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

8. The Tribunal Procedure (First-tier Tribunal) (Health, Education and Social Care Chamber) Rules 2008(**12**) are amended as follows.

9. In rule 1(3) (definitions)(**13**)—

(a) in the definition of "respondent"—

(i) for paragraph (a) substitute—

"(a) in an appeal against an order made by a justice of the peace, the person who applied to the justice of the peace for the order;";

(ii) for paragraph (c) substitute—

"(c) in proceedings on a claim brought under paragraph 3 of Schedule 17 to the Equality Act 2010(**14**) (disabled pupils: enforcement)—

(i) the local authority or the governing body, where the school concerned is a maintained school;

(ii) the proprietor, where the school concerned is an independent school;"

(iii) omit paragraph (d);

(b) in the definition of "special educational needs case", after paragraph (a) omit "or" and insert—

"(aa) a detained person's EHC needs assessment within the meaning of section 70(5) of the Children and Families Act 2014(**15**), or".

10. In rule 19 (application for leave)(**16**), in paragraph (1)(b), for the words from "by virtue of regulation 34(3)" to the end substitute—

"by virtue of—

(i) regulation 34(3) of the Special Educational Needs and Disability Regulations 2014(**17**), or

(ii) regulation 20(3) of the Special Educational Needs and Disability (Detained Persons) Regulations 2015(**18**),

(appeals in a special educational needs case in the absence of a mediation certificate)."

Amendments to the Tribunal Procedure (First-tier Tribunal) (Social Entitlement Chamber) Rules 2008

11. The Tribunal Procedure (First-tier Tribunal) (Social Entitlement Chamber) Rules 2008(**19**) are amended as follows.

12. In rule 1(3) (definitions), in the definition of "respondent", after paragraph (c), omit "or" and insert—

"(cc) an affected party within the meaning of section 61(5) of the Childcare Payments Act 2014(**20**), other than an appellant; or".

(**12**) S.I. 2008/2699
(**13**) In rule 1(3) the definition of respondent has been amended by S.I. 2010/2653, 2011/651 and 2013/477.
(**14**) 2010 c. 15
(**15**) 2014 c. 6
(**16**) Rule 19 was amended by S.I. 2014/2128.
(**17**) S.I. 2014/1530
(**18**) S.I. 2015/62
(**19**) S.I. 2008/2685
(**20**) 2014 c. 28