



# Tribunals Judiciary

## PRACTICE STATEMENT

### DELEGATION OF FUNCTIONS TO STAFF ON OR AFTER 3 NOVEMBER 2008

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#### ADMINISTRATIVE APPEALS CHAMBER OF THE UPPER TRIBUNAL

1. The Senior President of Tribunals hereby approves that the following functions of the Upper Tribunal under the Tribunal Procedure (Upper Tribunal) Rules 2008 may be carried out by those legally qualified members of staff appointed under section 40(1) of the Tribunals, Courts and Enforcement Act 2007 who, for the purpose of exercising those functions, shall be known as Registrars-
  - a. Exercising any case management powers under rule 5 except –
    - i. Extending time under rule 5(3)(a) in relation to the time limits for appeals referred to in rules 21(3), (6), 22(5), 23(2), (5), 44(3), (4), (6) or in relation to the time limits for judicial review proceedings referred to in rules 28(2), (3), (7) and 30(5);
    - ii. Suspending a decision under rule 5(3)(l) or (m);
    - iii. Requiring a tribunal to provide reasons for its decision under rule 5(3)(n);
  - b. Dealing with irregularities under rule 7(2) (except taking action under rule 7(2)(d) or (4));
  - c. Striking out under rule 8(1) or (3)(a) and reinstating proceedings under rule 8(5);
  - d. Giving directions substituting or adding parties under rule 9;
  - e. Summarily assessing costs under rule 10(6)(a);
  - f. Making orders prohibiting disclosure or publication of documents and information under rule 14;
  - g. Giving directions in relation to evidence and submissions under rule 15(1);
  - h. Summoning (or, in Scotland, citing) witnesses and issuing orders to persons to answer questions and produce documents under rule 16;
  - i. Giving consent to withdraw a case and reinstating a case under rule 17.
2. In this Practice Statement “legally qualified” means being a solicitor or barrister, or in Scotland, a solicitor or advocate.
3. In accordance with rule 4(3) of the Tribunal Procedure (Upper Tribunal) Rules 2008, within 14 days after the date that the Upper Tribunal sends notice of a decision made by a Registrar pursuant to an approval under paragraph 1 above to a party, that party may apply in writing to the Upper Tribunal for that decision to be considered afresh by a judge.

#### SOCIAL ENTITLEMENT CHAMBER OF THE FIRST-TIER TRIBUNAL

4. The Senior President of Tribunals hereby approves that the following functions of the First-tier Tribunal under the Tribunal Procedure (First-tier Tribunal) (Social Entitlement Chamber) Rules 2008 may be carried out by staff appointed under section 40(1) of the Tribunals, Courts and Enforcement Act 2007 in relation to the class of case specified below (where the type of case has the meaning given in rule 1(3) of the Tribunal Procedure (First-tier Tribunal) (Social Entitlement Chamber) Rules 2008):

#### **ASYLUM SUPPORT CASE**

- a. Extending time under rule 5(3)(a) for complying with the time limit set out in rule 24(1)(a) for sending a notice of appeal to the Tribunal but only where the notice of appeal is received no later than 14 days after the expiry of that time limit;
- b. Determining the validity of a notice of appeal in relation to requirements set out in the practice direction requiring the notice of appeal to be on the approved form;
- c. Giving consent to withdraw a case under rule 17;

#### **CRIMINAL INJURIES COMPENSATION CASE**

- d. Extending time for complying with any rule, practice direction or direction under rule 5(3)(a);
  - e. Exercising case management powers under rule 5(f) directing an oral hearing to be held including pursuant to rule 27(4)(b);
  - f. Giving consent to withdraw a case under rule 17.
5. In accordance with rule 4(3) of the Tribunal Procedure (First-tier Tribunal) (Social Entitlement Chamber) Rules 2008, within 14 days after the date that the Tribunal sends notice of a decision made by a member of staff pursuant to an approval under paragraph 4 above to a party, that party may apply in writing to the Tribunal for that decision to be considered afresh by a judge.

**LORD JUSTICE CARNWATH**  
**SENIOR PRESIDENT OF TRIBUNALS**  
**30 October 2008**