



**First-tier Tribunal (General Regulatory Chamber)**  
**President's Guidance Note: Number 2 of 2022**  
**Record of Proceedings**

1. This Guidance Note is issued under paragraph 7 of Schedule 4 to the Tribunals, Courts and Enforcement Act 2007.

**Records of Proceedings**

2. A record of proceedings at a hearing must be made by the presiding member, or in the case of a tribunal composed of only one member, by that member (“the tribunal’s note of evidence, submissions and applications”).
3. The tribunal’s ‘note of evidence, submissions and applications’ should record the evidence taken, submissions made and any procedural applications.
4. Where an audio or audio-visual recording is made of a hearing by the tribunal or by HMCTS, that recording shall stand as the tribunal’s Record of Proceedings, unless the presiding member considers the quality of the recording to be inadequate.
5. If there is no adequate audio or audio-visual recording of a hearing, the tribunal’s ‘note of evidence, submissions and applications’ will stand as the tribunal’s Record of Proceedings.
6. The tribunal must preserve the Record of Proceedings for at least 12 months from the date of the final decision disposing of proceedings in the tribunal or, if earlier, until the Record of Proceedings is sent to the Upper Tribunal in connection with an appeal against the final decision.

**Applications by parties for a copy of the Record of Proceedings**

7. A party who wishes to obtain a copy of the Record of Proceedings must make an application in writing to the Tribunal at [GRC@justice.gov.uk](mailto:GRC@justice.gov.uk), using the subject line “Record of Proceedings”. There is no set form for making such an application.
8. If the Record of Proceedings is the tribunal’s ‘note of evidence, submissions and applications’, the party should be provided with a copy, subject to:

- (a) any orders or directions made during the course of the proceedings to which the Record of Proceedings relates; and,
  - (b) any conditions the tribunal otherwise considers necessary.
9. If the Record of Proceedings is an audio or audio-visual recording, the party should be provided with a copy of the recording (or a part of it), if the tribunal is satisfied that:
- (i) The risk of misuse of the recording, and the implications of any misuse, do not outweigh the party's interest in obtaining a copy, and
  - (ii) It is reasonably practicable to provide a copy.

But this is subject to:

- (a) any orders or directions made during the course of the proceedings to which the Record of Proceedings relates; and,
  - (b) any conditions the tribunal otherwise considers necessary.
10. When a copy of an audio or audio-visual Record of Proceedings is to be provided to a party in accordance with paragraph 9, the recording must first be edited to remove any material recorded prior to the commencement of the hearing, or following its termination, unless the tribunal directs otherwise.
11. If a tribunal decides that a party should not be provided with a copy of an audio or audio-visual Record of Proceedings, the tribunal may make directions allowing the party:
- (a) to watch or listen to the recording; and/or
  - (b) to be provided with a transcript of the recording.

12. If a party requests a transcript of an audio or audio-visual Record of Proceedings, the party should be provided with a transcript<sup>1</sup> (or part of it) subject to:
- (a) the provision of a transcript being reasonably practicable;
  - (b) any orders or directions made during the course of the proceedings to which the Record of Proceedings relates; and,
  - (c) any conditions the tribunal otherwise considers necessary.

### **Costs associated with the provision of the Record of Proceedings**

13. If a copy of a Record of Proceedings or transcript is provided to a party, that party must pay any costs in connection with its provision, unless the tribunal directs that the Record of Proceedings or transcript be supplied at public expense.
14. The tribunal may direct that a Record of Proceedings or transcript be supplied at public expense if it is satisfied that:

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<sup>1</sup>See *Dr Reuben Kirkham v The Information Commissioner (GIA)* [2019] UKUT 381 (AAC)

- (a) the party:
  - (i) has applied, or intends to apply, for permission to challenge in the Upper Tribunal the decision made in the proceedings; or
  - (ii) has been granted permission to challenge the decision in the Upper Tribunal; or
  - (iii) is a respondent to any such challenge; and
- (b) a copy of the Record of Proceedings or transcript is necessary for the purpose of challenging the decision; and
- (c) the party's financial circumstances are such that that party cannot afford to pay the cost from their own income or funds.

15. Any transcript supplied at public expense will be restricted to the part of the proceedings relevant to the challenge.

16. For the purposes of considering whether to supply a Record of Proceedings or transcript at public expense, the tribunal may give directions, including requiring the party to disclose details of their financial circumstances.

**Judge O'Connor**

**Chamber President**

**17 August 2022**