

Tribunal Procedure Committee
Civil, Tribunals, and Administration of Justice Directorate
Policy, Communications and Analysis Group
Ministry of Justice
Post Point: Area 5.20
102 Petty France
London
SW1H 9AJ



4 July 2024

By email only: tpcsecretariat@justice.gov.uk

Dear Sirs

Tribunal Procedure Committee: consultation on possible amendments to the power to set-aside a decision

APIL welcomes the opportunity to respond to the Tribunal Procedure Committee's consultation on possible amendments to the power to set-aside a decision, to allow a tribunal to set aside a decision without an application from the parties. Our remit covers personal injury law only, and the context within which we provide comments on this consultation relates to appeals in criminal injuries compensation claims.

We agree that it would be desirable to amend each Chambers' procedure rules so as to clarify that, in so far as the rules do not already allow tribunals to set aside decisions of their own initiative, tribunals will have that power in the future. We agree that where a tribunal is aware that there has been procedural irregularity in proceedings, it is often desirable that the tribunal be able to act without the requirement for an application. As set out in the consultation, this may be because the procedural irregularity is identified initially by the tribunal, and it would be artificial and inefficient for the tribunal to write to the parties and explain the issue and ask them to make a formal application. We also agree that it would be useful because there may also be circumstances where a party does not understand the significance of a Tribunal's communication, for example where the party is a litigant in person, or for another reason fails to make an application.

We hope that our comments prove useful.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Alice Taylor', written in a cursive style.

Alice Taylor
Legal Policy Manager

