



Senior President of Tribunals

Practice Statement authorising Legal Officers in the Upper Tribunal (Immigration and Asylum Chamber) to carry out functions of a judicial nature

This Practice Statement replaces my previous Practice Statement authorising Legal Officers in the Upper Tribunal (Immigration and Asylum Chamber) to carry out functions of a judicial nature dated 20 April 2023.

1. I hereby authorise a member of staff appointed under section 2(1) of the Courts Act 2003 and section 40(1) of the Tribunals, Courts and Enforcement Act 2007 and designated as a 'Legal Officer' by the Chamber President of the Upper Tribunal (Immigration and Asylum Chamber) to carry out the following functions under the Tribunal Procedure (Upper Tribunal) Rules 2008, to the extent that that Legal Officer has been authorised to exercise those functions by the Chamber President:
 - a. Making orders under section 18(3) of the 2007 Act, transferring to the High Court in England and Wales applications of the kind described in section 18(1), which the Upper Tribunal does not have the function of deciding;
 - b. Exercising any case management powers under rule 5 except–
 - i. Extending time under rule 5(3)(a) in relation to the time limits referred to in rules 17A, 21, 28(2), (3), and (7);
 - ii. Suspending a decision under rule 5(3)(l);
 - iii. Requiring a tribunal to provide reasons for its decision under rule 5(3)(n);
 - c. Dealing with irregularities under rule 7(2) (except taking action under rule 7(4));

- d. Striking out under rule 8(1) or (3)(a) and reinstating proceedings under rule 8(5);
 - e. Giving directions substituting or adding parties under rule 9; except in cases involving interventions and interveners;
 - f. Giving consent to withdraw a case and reinstating a case under rule 17;
 - g. Treating an appeal as abandoned under rule 17A;
 - h. Transferring proceedings to the High Court in England and Wales, pursuant to rule 33A(3)(a);
 - i. Making a consent order under rule 39 and making such other provision under that rule as the parties have agreed;
 - j. Correcting under rule 42 clerical mistakes or other accidental slips or omissions in decisions or records of decisions;
 - k. Treating, under rule 48, an application as a different type of application.
2. All functions must be exercised in accordance with any guidance issued by the Chamber President.
 3. In accordance with rule 4(3) of the Tribunal Procedure (Upper Tribunal) Rules 2008, within 14 days after the date that the Tribunal sends notice of a decision made by a Legal Officer to a party, that party may apply in writing to the Tribunal for the decision to be considered afresh by a judge.

The Rt. Hon. Sir Keith Lindblom

Senior President of Tribunals

21 May 2024