



# Senior President of Tribunals

## Practice Direction

### Allocation of cases to track in the First-tier Tribunal (General Regulatory Chamber)

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1. This Practice Direction has been made under section 23 of the Tribunal, Courts and Enforcement Act 2003 by the Senior President of Tribunals with the approval of the Lord Chancellor and applies to proceedings in the First-tier Tribunal (General Regulatory Chamber) ("the Tribunal").
2. Expressions used in this Practice Direction which are also used in the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009 ("the 2009 Rules") have the same meaning as in those Rules, unless specified otherwise.
3. This Practice Direction provides for the allocation of cases in the Tribunal to the standard track or the open track, having regard to rule 5B(1) of the 2009 Rules.
4. Subject to paragraphs 5 and 6, proceedings before the Tribunal are to be allocated as follows on and after 02 March 2026:
  - (a) proceedings falling within the category of cases provided for in the Schedule to this Practice Direction are automatically allocated to the standard track;
  - (b) any other proceedings are automatically allocated to the open track.
5. Proceedings to which rule 19(1A) of the 2009 Rules (transfer of cases to the Upper Tribunal) applies will not be allocated to a track.
6. Proceedings already before the Tribunal immediately before 02 March 2026 are automatically allocated to the open track.
7. The fact that a case has been allocated to a track does not mean that it must remain allocated to that track. Under rule 5B(2) of the 2009 Rules, the Tribunal may, either on the application of a party or on its own initiative, give a direction allocating a case to a different track at any time if it considers it in the interest of justice to do so. An application by a party for re-allocation of the case to a different track under rule 5B(2) of the 2009 Rules should be made using Form GRC 5.
8. When exercising its power under rule 5B(2) of the 2009 Rules, the Tribunal must seek to give effect to the overriding objective in rule 2 of the 2009 Rules, which is to deal with cases fairly and justly.

[DATE] y fv faA, *may* 2026

Lord Justice Dingemans

Senior President of Tribunals

# SCHEDULE

## Environment jurisdiction

- An appeal brought pursuant to:
  - Section 46D(1) of the Environmental Protection Act 1990
  - Regulation 30(2) of the Biodiversity Gain Site Register Regulations 2024
  - Regulation 30(3) of the Biodiversity Gain Site Register Regulations 2024
  - Regulation 30(4) of the Biodiversity Gain Site Register Regulations 2024

## Food Safety jurisdiction

- An appeal brought pursuant to section 37(1) of the Food Safety Act 1990

## Information Rights jurisdiction

- An appeal brought pursuant to section 57(1) of the Freedom of Information Act 2000 ("FOIA"), where the only issue(s) in the appeal is/are whether
  - The public authority holds the requested information, or
  - The requested information is exempt information by reason of section 22 of FOIA (information intended for future publication), or
  - The cost of complying with the request for information exceeds the appropriate limit within the meaning of section 12 of FOIA (exemption where cost of compliance exceeds appropriate limit)
- An application made under section 166 of the Data Protection Act 2018

## Pension jurisdiction

- A reference made under section 44 of the Pensions Act 2008

## Transport jurisdiction

- An appeal brought pursuant to section 131 of the Road Traffic Act 1988