



**Tribunal Procedure Committee:
Consultation on the possible changes to
Rule 7(6) of the Tribunal Procedure (First-
Tier Tribunal) (Property Chamber) Rules
2013 (Service of Directions)**

A response by
The Chartered Institute of Legal Executives
(CILEX)

July 2025

Introduction

- 0.1. CILEX would like to take the opportunity to respond to the Tribunal Procedure Committee (TPC)'s consultation on possible changes to Rule 7(6) of the Tribunal Procedure (First-Tier Tribunal) (Property Chamber) Rules 2013 (service of directions). CILEX represents many legal practitioners working in the First-Tier Tribunals and Property Chambers.
- 0.2. The Chartered Institute of Legal Executives (CILEX) is the professional association and governing body for Chartered Legal Executive lawyers (commonly known as 'CILEX Lawyers'), other legal practitioners and paralegals. Under the Legal Services Act 2007, CILEX acts as the Approved Regulator (AR) and delegates these regulatory powers to the independent regulator, CILEx Regulation Ltd (CRL).
- 0.3. CILEX represents over 17,500 members of which 77% of the membership are female, 16% of members are from an ethnic minority background, 4% are LGBT and 6% have a disability. Additionally, in terms of social mobility, 77% of CILEX members attended a state-run or state-funded school and 41% have an undergraduate university degree (of which 63% of those members were the first to attend university).

1. Question 1: Do you agree that change to the Rules is desirable because of the effect of the decision in *Wyldecrest*? If not, why not?

- 1.1. CILEX agrees that the proposed changes are proportionate and reasonable in line with the decision in *Wyldecrest*¹. CILEX believes that the Tribunal should have a discretion to be able to dispense with service as needed. CILEX is aware that in many circumstances, it may not be practical for the Tribunal to serve on all parties.
- 1.2. Moreover, CILEX understands that there are already appropriate recourse mechanisms in place should a serving party not abide by the Tribunal's directions in this regard. CILEX believes that current enforcement measures are sufficient and do not require review under this proposal.

2. Question 2: Do you agree with the proposed change to Rule 7 by the addition of new Rule 7(6A) set out in paragraph 23 above? If not, why not?

- 2.1. CILEX believes that this change is proportionate and reasonable.

3. Question 3: Do you have suggestions for alternative drafting of new Rule 7(6A)? Please explain your reasons.

- 3.1. CILEX does not propose alternative drafting of the new Rule 7(6A) at this stage. However, CILEX considers it crucial that any drafting provides the Tribunal with sufficient discretion to determine whether service should or should not be affected on a case-by-case basis. CILEX believes that it is essential that the rule is not

¹ *Wyldecrest Parks Management Ltd [2024] UKUT 355 (LC)*.

applied in an overly formulaic way, nor used purely as a mechanism for administrative efficiency across the board.

4. Question 4: Do you consider that there is a risk that the Tribunal's independence will be compromised, or justifiably seen to be compromised by the addition of new Rule 7(6A)? Is there an alternative approach that would reduce that risk?

- 4.1. CILEX understands the fear relating to compromising Tribunal independence and agrees that the independence of the Tribunal is paramount in upholding the rule of law and ensuring access to fair justice. CILEX is also of the view that not only must these values be upheld, but they must be seen to be upheld in order to retain the confidence of the parties, and the public. Whilst CILEX appreciates such concerns, CILEX does not envisage the Tribunal's independence being compromised as a direct result of the proposed changes with the appropriate guidance.
- 4.2. CILEX believes that practice guidance on criteria published by the Tribunal can mitigate the majority of risks. CILEX notes that practice guides could outline principles and considerations of application for service under Rule 7(6A). CILEX hopes that this will enhance transparency and reinforce confidence that discretion will be exercised judicially and fairly. Furthermore, other considerations include collecting data through monitoring and reporting to evaluate the effectiveness and impacts of Rule 7(6A); however, CILEX appreciates that the benefits of this proposal are longer term and require additional administrative resources.

5. Question 5: Do you have any other comments?

- 5.1. CILEX believes that in light of the decision in *Wyldecrest*, the proposed changes to Rule 7(6) are proportionate and reasonable.