Upper Tribunal Rules

Response to the consultation on Judicial Review of 'Fresh Claim' decisions in immigration and asylum

(31 March 2011 - 17 June 2011)

Response to the consultation on Judicial Review in the Upper Tribunal

(19 May 2011 – 30 June 2011)

Reply from the Tribunal Procedure Committee
October 2011
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Introduction

The Tribunal Procedure Committee (TPC) is established under section 22 of, and Schedule 5 to, the Tribunals, Courts and Enforcement Act 2007 ("the TCE Act"), with the function of making Tribunal Procedure Rules for the First-tier Tribunal and the Upper Tribunal. Power to make Tribunal Procedure Rules is to be exercised under section 22(4) of the Act with a view to securing:

(a) that, in proceedings before the First-tier Tribunal and Upper Tribunal, justice is done,
(b) that the tribunal system is accessible and fair,
(c) that proceedings before the First-tier Tribunal or Upper Tribunal are handled quickly and efficiently,
(d) that the rules are both simple and simply expressed, and
(e) that the rules where appropriate confer on members of the First-tier Tribunal, or Upper Tribunal, responsibility for ensuring that proceedings before the tribunal are handled quickly and efficiently.

In pursuing these aims the [Committee] seeks, among other things:

- to make the rules as simple and streamlined as possible;
- to avoid unnecessarily technical language;
- to enable tribunals to continue to operate tried and tested procedures which have been shown to work well; and
- to adopt common rules across tribunals wherever possible.

The Immigration and Asylum Chamber is now one of four chambers of the Upper Tribunal.¹ It was created in February 2010 when functions of the Asylum and Immigration Tribunal were transferred to it and to the Immigration and Asylum Chamber of the First-tier Tribunal.

By amendment in 2007, section 31A of the Senior Courts Act 1981 made provision in England and Wales for both mandatory and discretionary transfer of

¹ The other chambers are the Administrative Appeals Chamber, the Tax and Chancery Chamber and the Lands Chamber
judicial review claims from the High Court to the Upper Tribunal. As originally enacted there was a bar on transfer of such claims where, in broad terms, they called into question decisions made under the Immigration Acts. Under section 53 of the Borders, Citizenship and Immigration Act 2009 (“the BCI Act”) this bar may now – if a direction by the Lord Chief Justice so provides, and other conditions are met – be removed in some or all cases where the Secretary of State for the Home Department has refused to treat representations as a fresh asylum or human rights claim. A need to consider rule changes arose when the Lord Chief Justice of England and Wales indicated that he was prepared, upon the commencement of section 53 of the BCI Act, to make such a direction, thereby enabling some or all fresh claim judicial reviews (“FCJRAs”) to be brought in the Upper Tribunal in England and Wales.

Also, in England & Wales, the Court of Appeal in *R (FZ) v Croydon LBC* [2011] EWCA Civ 59 has drawn attention to the power to transfer “age assessment Judicial Review claims (“AAJRAs”)” to the Upper Tribunal. These are cases where a person claims to be a minor from outside the United Kingdom, but this is disputed by a local authority in England or Wales that would be under statutory duties if the applicant were of the age claimed. The applicant may seek to challenge the local authority’s stance by means of a judicial review claim in the High Court. This can be transferred to the Upper Tribunal if it does not include any issue as to immigration, nationality or citizenship.

The TPC concluded that in England & Wales both FCJRAs and AAJRAs might make it desirable to exercise powers to make rules under s18 (11) of the TCE Act (concerning amendment which might require a judicial review claim to be transferred from the Upper Tribunal to the High Court) and under section 19(5) of the TCE Act (concerning judicial review claims transferred by the High Court to the Upper Tribunal).

**The consultation process**

The TPC carried out two consultation exercises. The first concerned proposed Upper Tribunal rule amendments to accommodate fresh claim judicial reviews in
the Immigration and Asylum Chamber. The consultation ran from 31 March 2011 until 17 June 2011. A total of 7 responses to the consultation paper were received. They came from the Office of the Immigration Services Commissioner (OISC), L & L Legal Advisors Ltd and London Visa Services Limited (both firms of OISC-approved immigration and asylum practitioners), the Immigration Law Practitioners’ Association (ILPA), the President of the Immigration and Asylum Chamber of the Upper Tribunal, the United Kingdom Border Agency (UKBA) and The Law Society.

The second consultation exercise concerned proposed Upper Tribunal rule amendments under sections 18 (11) and 19(5) of the TCE Act. This consultation ran from 19 May 2011 until 30 June 2011. A total of 4 responses to the consultation paper were received. They came from ILPA, the Legal Services Committee of the Bar Council, the Planning and Environment Bar Association (PEBA), and The Law Society.

In both consultations the TPC asked users for their views on draft rules and for suggestions on what amendments would be needed. All responses were analysed for comments on the drafting of the proposed amendments; evidence of impact of the proposals; levels of support among particular groups and suitability for practical application.
Reply to Responses on the FCJR consultation itself

One respondent questioned whether it was appropriate for the TPC to consult on rules, before the Lord Chief Justice had issued his direction. The respondent indicated that, in their view, it was unfair that responses to the consultation would be made in ignorance of the scope of the direction.

The TPC considered whether the timing of the consultation was fair and concluded that it was. It noted that, among other things, until the direction was issued it would not be known whether it would be confined to judicial reviews involving fresh claims and nothing else (“pure fresh claims”) or would extend to judicial reviews including additional matters. However the context for this was that power to transfer FCJRs had been conferred by the BCI Act in terms which extended beyond pure fresh claim cases. While at first sight it might seem preferable to wait until the precise terms of the direction were known, none of the respondents indicated any area of the rules where their response turned on the precise scope of the direction. The TPC did not believe that any of the issues raised in the responses were affected by the detail of the direction. Moreover when considering specific amendments the TPC’s view was that they were no more or less appropriate to pure fresh claims as opposed to fresh claim judicial reviews which included additional matters.

One respondent expressed concern that the consultation did not deal with urgent applications for interim relief. The Upper Tribunal rules already provide extensive case management powers and the TPC did not consider that urgent applications for interim relief called for any changes to the rules.
Responses to specific questions on FCJRs

Question 1

Do you have any comment on the definition of FCJRs in rule 1? Note that the proposed definition reflects the language of the Borders Citizenship and Immigration Act 2009 (BCI) and that if the direction issued by the Lord Chief Justice of England and Wales does not extend to all cases falling within the BCI Act the proposed definition may need to be revised.

Response

Most of the respondents agreed that the definition contained in the rules should reflect the language used in the BCI Act. One respondent, however, indicated a preference for the wording used in paragraph 353 of the Immigration Rules. They were concerned that the definition did not account for the difficulty of determining whether a case does or does not fall within the definition or whether it catches cases such as ZT Kosovo or either ZA or BA (Nigeria). They also felt that some of the wording in the definition was too vague.

Another respondent queried the need for this question because they felt there was the potential that the Lord Chief Justice’s Direction would substantially change the definition.

Conclusion

Over the course of the consultation period, it became apparent that the definition set out in the Lord Chief Justice’s direction would be too long, and too detailed, to be set out in full in the rules without adding disproportionate length.

The TPC therefore decided to incorporate the direction by reference, while including a brief summary of its scope, to assist users of the rules.
**Question 2**

Do you have any comments on the proposed provision for fees in rules 8 and 28A(1)?

**Response**

Of the three responses to this question, two of the respondents did not consider the terms of the proposed provisions in rule 8 and rule 28A(1) to be a problem. There were some concerns about access to justice and that the proposed change to rule 28A was unnecessarily prohibitive and that there should be some discretion to waive the fee in appropriate circumstances.

There were also concerns that Rule 8 when taken together with rules 8(5) and 8(6) of the UT Rules might be abused in order to delay removal in some cases. Therefore, it was suggested that five working days should be the maximum time allowed and the applicant should be made to show good reason to reinstate.

**Conclusion**

The TPC has considered the points raised and is of the view that the provisions being considered are sufficient.

The provisions relating to fees replicate the practice in the High Court prior to transfer. There is no introduction of new fees and strike out for non-payment of fees is already a feature of the system in use. Thus the proposed rules do not introduce a new adverse impact for claimants. Furthermore the Lord Chancellor has the discretion in some circumstances to waive the fee and therefore it should be possible for this system to operate in the same way.

Rule 8(5) & (6) allow for a party to apply to reinstate proceedings that have been struck out, within a month of receiving notification of the striking out. This general rule applies equally to strike outs for failure to pay a fee.

**Question 3**

In relation to representation for FCJRs:

(a) Should representation for FCJRs be restricted as it presently is in the Administrative Court?
Response

The majority of respondents were in favour of restricting rights of audience in principle. It was generally agreed that since the consequences of execution of an incorrect decision by the Secretary of State are potentially grave a standard of representation that is proportional to those risks was required and that so long as FCJRIs are heard in the High Court this is achieved by the requirements of the Legal Services Act 2007.

OISC and the regulated advisers who responded considered it desirable to allow OISC-accredited advisers with sufficient experience to act as representatives in FCJRIs in the Upper Tribunal.

Standard of preparation and representation

Those in favour of restricting rights of audience accepted that both OISC-accredited representatives and Home Office Presenting Officers may have extensive experience of the Immigration Rules and case law of the Tribunals and higher courts. It was asserted that nevertheless they are not currently required to show expertise in administrative law or to demonstrate the level of drafting and advocacy skills needed to prepare and argue judicial review proceedings.

On the question of whether Home Office Presenting Officers might be permitted there was a concern that the level of independent scrutiny normally applied before the filing of the Acknowledgment of Service may be lost, thereby reducing the likelihood of early settlement of cases. There was also some discontent expressed about current difficulties in communicating with Home Office Presenting Officers before an appeal hearing and a lack of preparation - sometimes because they have only recently received the case file.

In relation to interim applications for relief there were concerns raised about the particular ethical obligations of barristers and solicitors which do not apply to OICS-accredited representatives or Home Office Presenting Officers.

A further point made by those in favour of restricting rights of audience was change that OICS-accredited representatives and Home Office Presenting Officers do not have knowledge or experience of Administrative Court
procedures. This was considered important because the transfer arrangements envisage correlation between and understanding of both procedural codes. Moreover cases in the Upper Tribunal may come to be transferred to the Administrative Court, whether as a matter of jurisdiction or discretion, and it would be undesirable for such a transfer to require a change in representation.

Of those favouring wider rights of audience one respondent stated that they would like to retain the Upper Tribunal rights of audience and maintain the option of using Home Office Presenting Officers in appropriate cases. They added that if the types of representation available to Claimants were not made as full as possible, it would lead to more Claimants being forced to represent themselves. which would be undesirable.

Those favouring wider right of audience suggested that the restriction would create an absurdity where a client's case is transferred from a specialist OISC-accredited firm at level 3 with 10 yrs experience, who knew the case history, to a new firm who have limited history on the case, or worse, that the client has no representation at the hearing. It was urged that FCJRs were not so different from other cases in the Upper Tribunal as to call for restrictions on representation.

**Conclusion**

The TPC was concerned that this jurisdiction should not be treated as an exception to the usual aim of allowing choice in representation within the Tribunal sphere unless there were sufficient grounds to do so. It noted the highly specialised nature and potential gravity of FCJRs; uncertainty as to the number of cases that would need to transfer back to the High Court, requiring a change of representative if the restriction were lifted; and worries concerning the quality of representation if current requirements for FCJRs were not continued. The TPC concluded that, at least for an initial period, those restrictions should remain in place, as envisaged in the draft amendments to rule 11 of the Tribunal Procedure (Upper Tribunal) Rules 2008. The TPC will, however, expect those with an interest in the subject to keep the TPC informed of how the new procedures are working so that it can review the position regarding rights of representation in future.
Question 3 (b)
If so, do the proposed amendments to rule 11 achieve that aim?

Response
All respondents agreed that the proposed amendments achieved the aim of restricting rights of audience.

Question 4(a)
In relation to service of the claim form:

a) Should the claim form be sent to the Treasury Solicitor by the applicant or by the Tribunal?

Response
There was a mixed response to this question. Three of the four responses to this question stated that the claim form should be served by the Tribunal on the basis that it would result in greater confidence that the claim form had been served, and served in good time.

The other respondent was happy for either the Tribunal or Claimant to serve but highlighted that a consequential provision 54A.18.2(2) required amendment to ensure that Claimants or the Tribunal could effect service on UKBA.

Conclusion
The TPC has considered all the points made and whilst noting that the majority suggested that the Tribunal should effect service, the TPC have agreed that service should be carried out by the claimant within seven days of making the application.

The reason for this is that if the Tribunal were to effect service it could be expensive and resource-intensive for the Administrative Court to process the documentation and then send to the Upper Tribunal to serve.

Question 4 (b)
If by the applicant, is that aim achieved by the amendments to rules 28 and 29 and the addition of rule 28A(2)?
Response

All respondents agreed that the proposed amendment was effective in achieving the desired aim but one respondent suggested that the provision at rule 28(2)(a) should require a certificate of service rather than just confirmation.

Conclusion

The TPC has considered the points raised and have agreed to amend rule 28 A (2) (b) to include the provision for a certificate of service to be provided to the Upper Tribunal instead of confirmation.

Question 5 (a)

Should the current time given for oral renewal of a refused FCJR in the Administrative Court (7 days plus 2 days for postal service of the refusal of permission) be replicated for FCJRs in the UT, or should the current UT Rules provision of 14 days be retained?

Response

The majority of respondents indicated a general preference for retaining the Upper Tribunal time limit of 14 days. It was felt that the time limit should be uniform across the chambers of the Upper Tribunal and certainly not more restrictive in FCJRs due to the nature of the proceedings.

Two of the respondents commented that the additional time would assist the administration of justice by allowing parties time to receive papers, consider them properly and obtain advice before taking steps, particularly where the Claimant is detained.

It was highlighted that since there is no formal provision for Claimants to respond to the Secretary of State’s Acknowledgment Of Service, then this could be the first opportunity for the Claimant to fully review the merits of their claim in the light of the Secretary of State’s defence.

One respondent stated that they would prefer a mirror of the Administrative Court time limits here. They commented further that if the 14 day time limit were to be maintained, there should be some discretionary power to reduce the time limit in urgent and detained cases.
Conclusion

The TPC have agreed that the current time given for oral renewal of a refused FCJR should be 9 days. This will be in keeping with the current time given in the Administrative Court which is 7 days plus 2 days (allowed for postal service).

Question 5(b)

Should the current time given for lodging an Acknowledgement of Service (21 days plus 2 days for postal service of the application) be replicated for FCJRs in the UT, should the current UT Rules provision of 21 days be retained, or should some shorter period be prescribed?

Response

The majority of respondents suggested that the CPR should be replicated in order to avoid having different rules depending on the venue.

There was also a request that the Acknowledgement Of Service should be filed within 14 days if the Claimant was in detention.

One respondent was satisfied that 21 days given by the Upper Tribunal Rules was sufficient.

Conclusion

The TPC agreed that it was appropriate to replicate the CPR time limit.

Question 6

Do you have any comments on the interrelationship with other proposed changes to the UT rules?

Response

One respondent highlighted that Rule 17(3) would be impracticable in immigration cases given that fresh claims cases are often linked to removal and therefore the Claimant is likely to be removed if the case has been withdrawn. They suggested that there should be no provision to reinstate, but if such a provision is in place the time limit should be very short and the applicant should be obliged to show exceptional circumstances or at the very least good reason to reinstate.
Another respondent stated that the UT Rules should be amended to allow for replies/amendment of grounds to be filed by Claimants after the filing of the Secretary of State’s Acknowledgement of Service in all judicial review claims.

**Conclusion**

The TPC concluded that there was no need to make a change to the rules.

With regard to removal, once an application has been withdrawn there are no live proceedings before the tribunal. Removal is then a matter for UKBA in the usual manner. The fact that an application may be reinstated does not affect the position while there are no live proceedings before the tribunal. It may be that removal will make an application to reinstate impractical or otiose, but this does not make the rule impracticable.

With regard to further filings after the Secretary of State’s Acknowledgment of Service, the TPC concluded that, where appropriate, the tribunal could rely on its case management powers in rule 5 to permit amendments and receive submissions.

**Question 7**

Are there any other changes which should be made to the UT Rules in the light of the commencement of section 53 of the BCI Act? Please be specific about what addition is required and why it is needed.

**Response**

One respondent was concerned about a number of matters surrounding urgent proceedings. They pointed to the absence in the rules of any procedure for granting or refusing injunctions, dealing with expedited hearings and the service of urgent applications and resulting Orders.

They also sought clarity on the effect of a Claimant issuing duplicate proceedings in both the Upper Tribunal and the Administrative Court, and what steps would be taken.
Another respondent said that the Rules should make provision for a Claimant to file a reply to the Defendant’s Acknowledgement of Service or amend their grounds, as appropriate, before the question of permission is considered, at least where a new decision is made.

The point made was that, while this is a particular problem in FCJRs due to the Secretary of State for the Home Department’s more common practice of issuing a new decision with the acknowledgement of service it was suggested that a general provision in all judicial reviews would be appropriate.

**Conclusion**

The TPC concluded that these are matters of case management that would be dealt with by the tribunal in each individual case, using the powers already within the rules.

**Question 8**

*Do you have any comments on the draft Practice Directions?*

**Response**

Comments on the draft Practice Directions have been passed to the Senior President of Tribunals.
Responses on the JR amendments & transfers consultation

Question 1

As regards amendments which would bring section 18(3) of the TCE Act into play, or would give rise to an obligation to transfer the application to the High Court under the proposed new rule 33C:

(a) is it appropriate that the UT’s general powers to permit or require amendments under rule 5(3)(c), or to permit the applicant or another party to rely upon additional grounds of challenge, should extend to amendments and additional grounds which would, once made or relied upon, require the application to be transferred to the High Court?

(b) If so, is the proposed new rule 33B a satisfactory way of ensuring that this will be the case?

(c) if not, ought there to be a rule that would prohibit the UT from permitting or requiring an amendment, or permitting reliance upon an additional ground, which would, once made or relied upon, give rise to an obligation to transfer the application to the High Court?

(d) when the UT is under an obligation to order transfer to the High Court, would it be appropriate for a rule to require the parties to state whether they wish the High Court to transfer the application back to the UT, and why, if the High Court’s discretionary powers under section 31A(3) of the Senior Courts Act 1981 permitted it to do so?

Response

All respondents agreed that the proposal at (a) was appropriate, that the proposal at (b) was satisfactory (although some drafting observations were made), and that the alternative at (c) was unsatisfactory.

One respondent stressed the importance of speedy resolution of FCJRs. Another commented specifically that it is in the interests of justice for amendments to be permitted to be made to the existing claim rather than requiring an applicant to issue a new claim in the Administrative Court, with the attendant costs implications, even where that would result in the claim being transferred back to the Administrative Court. It was said that the issues will often be closely connected and it would be a waste of court time, costs and risk injustice if the
claims have to be considered separately by the Administrative Court and the
Upper Tribunal.

Respondents were divided as to the merits of the suggestion at (d).

**Conclusion**

The TPC concluded that it should proceed as proposed at (a) and (b), which
accorded with the views of all respondents. On the question of delay the TPC
considered that the tribunal would have well in mind the need to avoid delay,
especially in the light of the overriding objective set out in the rules. As to the
suggestion at (d), the TPC considered that the appropriate course was to leave it
to the parties to make representations if they wished.

**Question 2**

As regards an application for JR or an application for permission to apply
for JR, which the High Court has transferred as a matter of discretion, or as
regards an application for JR following grant of permission by the UT in a
case where the application for permission was transferred by the High
Court as a matter of discretion:

(a) is it appropriate that the UT should have a power to transfer the application
to the High Court where the significance of an amendment, or additional
ground of challenge, makes it just and convenient that the High Court rather
than the UT should deal with the proceedings?

(b) If so, is the proposed new rule 33C a satisfactory way of ensuring that this
will be the case?

(c) ought the UT to be required to transfer the application to the High Court
where an amendment, or additional ground of challenge, is such that if the
amendment or additional ground had been relied on at the time of transfer the
conditions which must be met for discretionary transfer would not have been
satisfied?

(d) If so, is the proposed new rule 33C a satisfactory way of ensuring that
this will be the case?

**Response**
All respondents agreed with what was proposed at each of (a), (b), (c) and (d), with one adding a proviso about the importance of avoiding delay. Others raised a major point: there was a concern that merely raising an additional ground falling within the proposed rule should not of itself lead to transfer: this should only occur if the tribunal permitted the additional ground to be raised. Otherwise, rule 33C would be engaged simply by a party raising a proposed additional ground, rather than where it would actually fall to be determined in the case. In addition one respondent noted that the parties should be afforded the opportunity to make representations as to whether it is just and convenient that the High Court rather than the Upper Tribunal deal with the proceedings.

**Conclusion**

Dealing with the last point first, the TPC concluded that the tribunal could be relied upon to ensure that representations could be made at an appropriate stage. There was no need to make a change to the rules. On the major point raised, the TPC agreed that it was appropriate to make express provision to avoid the danger that merely advancing an additional ground might lead to unnecessary transfer. It has modified the proposed rule changes to that end.

**Question 3**

As regards an application for JR or an application for permission to apply for JR, which the High Court has transferred because it was required to do so, or as regards an application for JR following grant of permission by the UT in a case where the application for permission was transferred by the High Court because it was required to do so:

(a) ought the UT to be required to transfer the application to the High Court where an amendment, or additional ground of challenge, is such that if the amendment or additional ground had been relied on at the time of transfer the conditions which must be met for compulsory transfer would not have been satisfied?

(b) If so, is the proposed new rule 33C a satisfactory way of ensuring that this will be the case?

**Response**
All respondents agreed with the proposals at (a) and (b). The only qualifications concerned the major point identified above in relation to Question 2.

**Conclusion**

The TPC concluded that it should proceed with these proposals, on the footing that the major point would be dealt with as indicated above.

**Question 4**

*Are there any other rule changes that would be appropriate for JR claims in the UT?*

**Response and Conclusion**

None of the respondents wished to add anything in response to this question. One respondent drew attention to additional points made in response to the FCJR consultation – these points have been dealt with above. The TPC accordingly concluded that the responses to this question call for no additional rule changes.

**Keeping the Rules under review**

The Tribunal Procedure Committee wishes to thank all those who contributed to this consultation process.

Consultation is a fundamental part of the rule-making process. Those involved in the day-to-day work of particular tribunals are often best placed to assess the potential impact of rule changes. We have benefited considerably from the responses to our consultation; they have helped us to eradicate errors and make improvements.

Inevitably, experience will demonstrate difficulties with the operation of the Rules, or gaps in their coverage. However, the Committee’s remit is to keep rules under
review, and periodic amendments can be made to try to ensure that they work as smoothly and fairly as possible.
Contact details

Please send any suggestions for further amendments to the Rules to-

TPC Secretariat
Area 2.38
102 Petty France
London
SW1H 9AJ

Email: tpcsecretariat@justice.gsi.gov.uk

Further copies of this report can be obtained from the Secretariat. The report and the Rules are also available on the Secretariat’s website:

Annex A – List of respondents

1. United Kingdom Border Agency
2. The Law Society
3. Immigration Law Practitioners’ Association
4. London Visa Services Limited
5. L & L Legal Advisors Limited
6. Office of the Immigration Services Commissioner
7. President of the Upper Tribunal (Immigration and Asylum Chamber)
8. Legal Services Committee of the Bar Council
9. Planning and Environment Bar Association
### Annex B – Membership of the Tribunals Procedure Committee

<table>
<thead>
<tr>
<th>Name</th>
<th>Position and Appointments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. Justice Walker</td>
<td>Chairman - Appointed by the Senior President of Tribunals</td>
</tr>
<tr>
<td>Bronwyn McKenna</td>
<td>Member of and nominated by the AJTC - Appointed by the Lord Chancellor</td>
</tr>
<tr>
<td>Michael J Reed</td>
<td>Free Representation Unit - Appointed by the Lord Chancellor</td>
</tr>
<tr>
<td>Philip Brook-Smith QC</td>
<td>Barrister - Appointed by the Lord Chancellor</td>
</tr>
<tr>
<td>Simon Cox</td>
<td>Barrister - Appointed by the Lord Chancellor</td>
</tr>
<tr>
<td>Douglas May QC</td>
<td>Upper Tribunal Judge - Appointed by the Lord President of the Court of Session</td>
</tr>
<tr>
<td>Mr Simon Ennals</td>
<td>First Tier Tribunal Judge - Appointed by the Lord Chief Justice of England &amp; Wales</td>
</tr>
<tr>
<td>Mr Mark Rowland</td>
<td>Upper Tribunal Judge - Appointed by the Lord Chief Justice of England &amp; Wales</td>
</tr>
<tr>
<td>Lesley Clare</td>
<td>First Tier Tribunal Member - Appointed by the Lord Chief Justice of England &amp; Wales</td>
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