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New tax appeals tribunals launched

Taxpayers appealing against the decisions made by Her Majesty's Revenue and Customs (HMRC) will now be taking their disputes to a brand new two-tier tribunal system.

Gone is the previous regime of the General Commissioners of Income Tax; the Special Commissioners of Income Tax; the VAT and Duties Tribunal and the Section 706/04 Tribunal.

The majority of appeals will now go to a dedicated new Tax Chamber in the first-tier of a new, unified structure. Appeals from this chamber, along with a minority of other appeals, will be sent to a new Finance and Tax Chamber in the second tier, the Upper Tribunal.

Judges and members from the previous tribunals, apart from the General Commissioners, have been transferred into the new system. They have been supplemented by new recruitment through the JAC, and assignment from other jurisdictions within the first-tier Tribunal. The Upper Tribunal Chamber is also expected to call on the services of High Court judges from the Chancery Division.

Mr Justice Warren is the first President of the Finance and Tax Chamber of the Upper Tribunal. Sir Stephen Oliver QC, the former Presiding Special Commissioner, has become Acting President of the Tax Chamber of the First-tier Tribunal, and (non-statutory) Vice-President of the Finance and Tax Chamber.

Another key feature is the new, consolidated set of procedural rules for the new Tax Chamber, a key part of which is the categorisation of cases. All appeals are categorised into four categories:

- default paper

- basic
- standard and
- complex

There are different procedures depending on how a case is categorised. The intention is to retain the informality of procedures and quick, low cost access to justice that was a feature of the General Commissioners for cases where it was appropriate, whilst focusing more intensive case management on those cases that need it.

Senior President Lord Justice Carnwath said: “Taxpayers used to have to rely on HMRC sending their appeal to the tribunal, whereas now they are able to appeal directly to the First-Tier Tax Chamber. We also had four tribunals with different sets of rules for different categories of tax or duty.

“The new unified two-tier structure within the reformed tribunal system will provide a more rational and streamlined system for the benefit of all its users.”

For further information on the case categorisation process, changes to the tribunal structure and to download the new appeals form, please see www.tribunals.gov.uk/tax

Notes to Editors

1. The jurisdiction of the First-tier Tax Chamber runs across the UK. Onward tax appeals will be from the First-tier Tax Chamber to the Finance and Tax Chamber in the Upper Tribunal. From the Upper Tribunal appeals go to the Court of Appeal (England and Wales), the Court of Session (Scotland) and the Court of Appeal of Northern Ireland.
2. The First-tier Tribunal and Upper Tribunal commenced on 3 November 2008. The Administrative Appeals Chamber was established in the Upper Tribunal and the following chambers were established in the First-tier Tribunal:
 - Social Entitlement;
 - War Pensions and Armed Forces Compensation; and
 - Health, Education and Social Care.
3. The Tribunals Service, an executive agency within the Ministry of Justice will continue to provide an integrated administration of the new tribunals system. For more details visit: www.tribunals.gov.uk
4. The Tribunal Procedure Committee was established under the Tribunals, Courts and Enforcement Act 2007 to make procedural rules for the new Tribunals. Each Chamber has its own set of rules, which are supported by Practice Directions and Statements. More information on the Tribunal Procedure Committee is available at: www.tribunals.gov.uk/Tribunals/Rules/tribunalprocedurecommittee.htm

5. For more details please contact the Tribunals Service Press Office on 020 3334 6510.