



Tribunals and Inquiries Act 1971 (repealed 1.10.1992)

1971 CHAPTER 62

Composition and procedure of tribunals and inquiries

- 7 Chairmen etc. of certain tribunals: provisions as to appointment.** E+W+S
- (1) The chairman, or any person appointed to act as chairman, of any of the tribunals to which this subsection applies shall (without prejudice to any statutory provisions as to qualifications) be selected by the appropriate authority from a panel of persons appointed by the Lord Chancellor.
 - (2) Members of panels constituted under this section shall hold and vacate office under the terms of the instruments under which they are appointed but may resign office by notice in writing to the Lord Chancellor; and any such member who ceases to hold office shall be eligible for re-appointment.
 - (3) Subsection (1) of this section applies to any such tribunal as is specified in paragraph . . . ^{F1} 19(a), (b) or (e), [^{F2} . . . ^{F3} ^{F4} or 30A(a), [^{F5} (b), (c) or (e)]] of Schedule 1 to this Act. . . ^{F3}.
 - (4) The person or persons constituting any such tribunal as is specified in paragraph 16 of Schedule 1 to this Act shall be appointed by the Lord Chancellor, and where such a tribunal consists of more than one person the Lord Chancellor shall designate which of them is to be the chairman.
 - (5) In this section “the appropriate authority” means the Minister who apart from this Act would be empowered to appoint or select the chairman, person to act as chairman, members or member of the tribunal in question.
 - (6) A panel may be constituted under this section for the purposes either of a single tribunal or of two or more tribunals, whether or not of the same description.
 - (7) The following provisions shall have effect for the application of this section to Scotland—

Status: Point in time view as at 01/07/1992.

Changes to legislation: There are currently no known outstanding effects for the Tribunals and Inquiries Act 1971 (repealed 1.10.1992), Cross Heading: Composition and procedure of tribunals and inquiries. (See end of Document for details)

- (a) in relation to any of the tribunals referred to in the foregoing provisions of this section which sits in Scotland, this section shall have effect with the substitution for any reference to the Lord Chancellor of a reference to the Lord President of the Court of Session;
 - (b) subsection (1) of this section shall apply, with the substitution aforesaid, to any such tribunal as is specified in paragraph 45(a) of Schedule 1 to this Act.
- (8) In relation to any of the tribunals referred to in the foregoing provisions of this section which sits in Northern Ireland, this section shall have effect with the substitution for any reference to the Lord Chancellor of a reference to the Lord Chief Justice of Northern Ireland.

Extent Information

- E1** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only.

Textual Amendments

- F1** Words repealed by [Social Security \(Miscellaneous Provisions\) Act 1977 \(c. 5\)](#), [Sch. 2](#)
- F2** Words in [s. 7\(3\)](#) substituted (E.W.S) by [Supplementary Benefits Act 1976 \(c. 71\)](#), [s. 35\(2\)](#), [Sch. 7 para. 22\(a\)](#)
- F3** Words repealed (E.W.S.) by [Housing Act 1980 \(c. 51, SIF 61\)](#), [s. 152](#), [Sch. 26](#)
- F4** Words in [s. 7\(3\)](#) inserted by [Social Security \(Miscellaneous Provisions\) Act 1977 \(c. 5\)](#), [s. 22\(15\)](#) and substituted (E.W.S.) by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41, SIF 113:3\)](#), [s. 29](#), [Sch. 9 Pt. 1 para. 10](#)
- F5** Words in [s. 7\(3\)](#) substituted (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#), [ss. 4, 7\(2\)](#), [Sch. 2 para.8](#).

Modifications etc. (not altering text)

- C1** [S. 7](#) applied by [S.I. 1979/659](#), [art. 3](#)

7 Chairmen etc. of certain tribunals: provisions as to appointment. **N.I.**

- (1) The chairman, or any person appointed to act as chairman, of any of the tribunals to which this subsection applies shall (without prejudice to any statutory provisions as to qualifications) be selected by the appropriate authority from a panel of persons appointed by the Lord Chancellor.
- (2) Members of panels constituted under this section shall hold and vacate office under the terms of the instruments under which they are appointed but may resign office by notice in writing to the Lord Chancellor; and any such member who ceases to hold office shall be eligible for re-appointment.
- (3) Subsection (1) of this section applies to any such tribunal as is specified in paragraph^{F19}, 19(a), (b) or (e), 20 or 28(a) [^{F20}30A(a), [^{F21}(b), (c) or (e)]] of Schedule 1 to this Act, but, in relation to any such tribunal as is specified in paragraph 28(a) of that Schedule, this section shall have effect subject to paragraph 3(3) of Schedule 10 to the^{M1} Rent Act 1968.
- (4) The person or persons constituting any such tribunal as is specified in paragraph 16 of Schedule 1 to this Act shall be appointed by the Lord Chancellor, and where such a tribunal consists of more than one person the Lord Chancellor shall designate which of them is to be the chairman.

Status: Point in time view as at 01/07/1992.

Changes to legislation: There are currently no known outstanding effects for the Tribunals and Inquiries Act 1971 (repealed 1.10.1992), Cross Heading: Composition and procedure of tribunals and inquiries. (See end of Document for details)

- (5) In this section “the appropriate authority” means the Minister who apart from this Act would be empowered to appoint or select the chairman, person to act as chairman, members or member of the tribunal in question.
- (6) A panel may be constituted under this section for the purposes either of a single tribunal or of two or more tribunals, whether or not of the same description.
- (7) The following provisions shall have effect for the application of this section to Scotland—
- (a) in relation to any of the tribunals referred to in the foregoing provisions of this section which sits in Scotland, this section shall have effect with the substitution for any reference to the Lord Chancellor of a reference to the Lord President of the Court of Session;
 - (b) subsection (1) of this section shall apply, with the substitution aforesaid, to any such tribunal as is specified in paragraph 45(a) of Schedule 1 to this Act.
- (8) In relation to any of the tribunals referred to in the foregoing provisions of this section which sits in Northern Ireland, this section shall have effect with the substitution for any reference to the Lord Chancellor of a reference to the Lord Chief Justice of Northern Ireland.

Extent Information

- E2** This version of this provision extends to Northern Ireland only; a separate version has been created for England, Wales and Scotland only.

Textual Amendments

- F19** Words repealed by [Social Security \(Miscellaneous Provisions\) Act 1977 \(c. 5\), Sch. 2](#)
- F20** Words inserted by [Social Security \(Miscellaneous Provisions\) Act 1977 \(c. 5\), s. 22\(15\)](#)
- F21** Words in s. 7(3) substituted (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\), ss. 4, 7\(2\), Sch. 2 para.8.](#)

Modifications etc. (not altering text)

- C7** [S. 7](#) applied by [S.I. 1979/659, art. 3](#)

Marginal Citations

- M1** [1977 c. 42.](#)

8 Concurrence required for removal of members of certain tribunals.

- (1) Subject to subsection (2) of this section, no power of a Minister other than the Lord Chancellor to terminate a persons’s membership of any such tribunal as is specified in Schedule 1 to this Act, or of a panel constituted for the purposes of any such tribunal, shall be exercisable except with the consent of—
- (a) the Lord Chancellor, the Lord President of the Court of Session and the Lord Chief Justice of Northern Ireland, if the tribunal sits in all parts of the United Kingdom;
 - (b) the Lord Chancellor and the Lord President of the Court of Session, if the tribunal sits in all parts of Great Britain;
 - (c) the Lord Chancellor and the Lord Chief Justice of Northern Ireland, if the tribunal sits both in England and Wales and in Northern Ireland;

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- (d) the Lord Chancellor, if the tribunal does not sit outside England and Wales;
 - (e) the Lord President of the Court of Session, if the tribunal sits only in Scotland;
 - (f) the Lord Chief Justice of Northern Ireland, if the tribunal sits only in Northern Ireland.
- (2) This section does not apply to any such tribunal as is specified in paragraph [F62A][F75A][F8, 5B,][F96A][F106B][F117A][F1210A]17(a), 22, [F1323(e)], 25(a), 29(b), 30, 35 [F1437A] or 41(a) of Schedule 1 to this Act.
- (3) For the purposes of this section in its application to any such tribunal as is specified in paragraph 8(a) of Schedule 1 to this Act, an adjudicator who has sat only in England or Wales or who has sat only in Scotland or who has sat only in Northern Ireland shall be deemed to constitute a tribunal which does not sit outside England and Wales or which sits only in Scotland or which sits only in Northern Ireland, as the case may be.

Textual Amendments

- F6** Words inserted by [Banking Act 1987](#) (c. 22, SIF 10), s. 108(1), **Sch. 6 para. 4(1)**
- F7** Words inserted by [Data Protection Act 1984](#) (c. 35, SIF 106), s. 3(6), **Sch. 2 para. 13(a)**
- F8** Words inserted (*prosp.*) by [Criminal Justice Act 1988](#) (c. 33, SIF 39:1), ss. 123(6), 170(1), 171(1), **Sch. 8 para. 16, Sch. 15 para. 37(1)**
- F9** Words substituted by [Estate Agents Act 1979](#) (c. 38, SIF 124:4), **s. 24(1)(a)**
- F10** Words inserted by [Financial Services Act 1986](#) (c. 60, SIF 69), s. 96(6), **Sch. 6 para. 6(a)**
- F11** Words repealed (E.W.S.) by [Health Services Act 1980](#) (c. 53, SIF 113:2), s. 25(4), **Sch. 7**
- F12** Words inserted (E.W.S.) by [Insolvency Act 1985](#) (c. 65, SIF 66), s. 8, **Sch. 1 para. 5(2)** (but s. 8 of the 1985 Act is repealed by [Insolvency Act 1986](#) (c. 45, SIF 66), s. 438, **Sch. 12**)
- F13** Words inserted by [Social Security Act 1990](#) (c. 27, SIF 113:1), **s. 12(2)(b)**
- F14** Words repealed (E.W.S.) by [Health Services Act 1980](#) (c. 53, SIF 113:2), s. 25(4), **Sch. 7**

Modifications etc. (not altering text)

- C2** S. 8 extended (E.W.S.) by [Insolvency Act 1986](#) (c. 45, SIF 66), s. 396, **Sch. 7 para. 1(2)**
- C3** S. 8 excluded by [Civil Aviation Act 1982](#) (c. 16, SIF 9), s. 7(3)(b)

9^{F15}

Textual Amendments

- F15** S. 9 repealed by [Reserve Forces \(Safeguard of Employment\) Act 1985](#) (c. 17, SIF 7:2), s. 21, **Sch. 5**

10 Procedural rules for tribunals.

- (1) No power of a Minister, the Lord President of the Court of Session [F16the Commissioners of Inland Revenue or the Commissioners of Customs and Excise] to make, approve, confirm or concur in procedural rules for any such tribunal as is specified in Schedule 1 to this Act shall be exercisable except after consultation with the Council.
- (2) The Council, in the exercise of their functions under this section as respects any such tribunal as is specified in Part II of Schedule 1 to this Act, shall consult with the Scottish Committee.

Status: Point in time view as at 01/07/1992.

Changes to legislation: There are currently no known outstanding effects for the Tribunals and Inquiries Act 1971 (repealed 1.10.1992), Cross Heading: Composition and procedure of tribunals and inquiries. (See end of Document for details)

- (3) In this section “procedural rules” includes any statutory provision relating to the procedure of the tribunal in question.

Textual Amendments

F16 Words substituted by [S.I. 1972/1210](#), [art. 4](#)

Modifications etc. (not altering text)

C4 By [S.I. 1984/1247](#), [art. 3](#) it is provided that [s. 10](#) shall have effect as if for the words “the Commissioners of Inland Revenue or the Commissioners of Customs and Excise” there were substituted the words “the Commissioners of Inland Revenue, the Commissioners of Customs and Excise or the Foreign Compensation Commission”

11 Procedure in connection with statutory inquiries.

- (1) The Lord Chancellor, after consultation with the Council, may make rules regulating the procedure to be followed in connection with statutory inquiries held by or on behalf of Ministers; and different provision may be made by any such rules in relation to different classes of such inquiries.
- (2) Any rules made by the Lord Chancellor under this section shall have effect, in relation to any statutory inquiry, subject to the provisions of the enactment under which the inquiry is held, and of any rules or regulations made under that enactment.
- (3) Subject to subsection (2) of this section, rules made under this section may regulate procedure in connection with matters preparatory to such statutory inquiries as are mentioned in subsection (1) of this section, and in connection with matters subsequent to such inquiries, as well as in connection with the conduct of proceedings at such inquiries.
- (4) In the application of this section to inquiries held in Scotland, for any reference to the Lord Chancellor there shall be substituted a reference to [^{F17}the Lord Advocate]; and the Council, in exercising their functions under this section in relation to rules to be made by [^{F17}the Lord Advocate], shall consult with the Scottish Committee.

Textual Amendments

F17 Words substituted by [S.I. 1972/2002](#), [art. 3\(3\)\(c\)](#)

12 Reasons to be given for decisions of tribunals and Ministers.

- (1) Subject to the provisions of this section, where—
- (a) any such tribunal as is specified in Schedule 1 to this Act gives any decision; or
 - (b) any Minister notifies any decision taken by him after the holding by him or on his behalf of a statutory inquiry, or taken by him in a case in which a person concerned could (whether by objecting or otherwise) have required the holding as aforesaid of a statutory inquiry,
- it shall be the duty of the tribunal or Minister to furnish a statement, either written or oral, of the reasons for the decision if requested, on or before the giving or notification of the decision, to state the reasons.

Status: Point in time view as at 01/07/1992.

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- (2) The said statement may be refused, or the specification of the reasons restricted, on grounds of national security, and the tribunal or Minister may refuse to furnish the statement to a person not primarily concerned with the decision if of opinion that to furnish it would be contrary to the interests of any person primarily concerned.
- (3) Subsection (1) of this section shall not apply to any decision taken by a Minister after the holding by him or on his behalf of any inquiry or hearing which is a statutory inquiry by virtue only of an order made under section 19(2) of this Act unless the order contains a direction that this section is to apply in relation to any inquiry or hearing to which the order applies.
- (4) Subsection (1) of this section shall not apply to decisions in respect of which any statutory provision has effect, apart from this section, as to the giving of reasons, or to decisions of a Minister in connection with the preparation, making approval, confirmation, or concurrence in regulations, rules, or byelaws, or orders or schemes of a legislative and not executive character.
- (5) Any statement of the reasons for such a decision as is mentioned in paragraph (a) or (b) of subsection (1) of this section, whether given in pursuance of that subsection or of any other statutory provision, shall be taken to form part of the decision and accordingly to be incorporated in the record.
- (6) If, after consultation with the Council, it appears to the Lord Chancellor and [^{F18}the Lord Advocate] that it is expedient that decisions of any particular tribunal or any description of such decisions, or any description of decisions of a Minister, should be excluded from the operation of subsection (1) of this section on the ground that the subject-matter of such decisions, or the circumstances in which they are made, make the giving of reasons unnecessary or impracticable, the Lord Chancellor and [^{F18}the Lord Advocate] may by order direct that subsection (1) of this section shall not apply to such decisions.

Textual Amendments

F18 Words substituted by [S.I. 1972/2002, art. 3\(3\)\(c\)](#)

Modifications etc. (not altering text)

C5 [S. 12](#) applied by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#), ss. 84, 94, 99, [Sch. 11 para. 21](#), [Sch. 13 para. 3](#)

C6 [S. 12\(1\)](#) applied by [S.I. 1975/1379, art. 4](#)

Status:

Point in time view as at 01/07/1992.

Changes to legislation:

There are currently no known outstanding effects for the Tribunals and Inquiries Act 1971 (repealed 1.10.1992), Cross Heading: Composition and procedure of tribunals and inquiries.