



Tribunals and Inquiries Act 1992

1992 CHAPTER 53

Composition and procedure of tribunals and inquiries

5 Recommendations of Council as to appointment of members of tribunals.

- (1) Subject to section 6 but without prejudice to the generality of section 1(1)(a), the Council may make to the appropriate Minister general recommendations as to the making of appointments to membership of any tribunals mentioned in Schedule 1 or of panels constituted for the purposes of any such tribunals; and (without prejudice to any statutory provisions having effect with respect to such appointments) the appropriate Minister shall have regard to recommendations under this section.
- (2) In this section “the appropriate Minister”, in relation to appointments of any description, means the Minister making the appointments or, if they are not made by a Minister, the Minister in charge of the government department concerned with the tribunals in question.
- (3) The following provisions shall have effect as respects any tribunal specified in Part II of Schedule 1—
 - (a) the Council shall not make any recommendations under this section until—
 - (i) they have referred the matter of the recommendations for consideration, and report to the Council, by the Scottish Committee, and
 - (ii) they have considered the report of that Committee,
 - (b) without prejudice to the generality of section 4(5), the Scottish Committee may of its own motion propose any such general recommendations as expedient to be made by the Council to the appropriate Minister, and
 - (c) if the Council—
 - (i) in making recommendations under this section on any matter which they have referred to the Scottish Committee or on which that Committee has made proposals, do not adopt the report or proposals of that Committee without modification, or
 - (ii) do not make recommendations on matters on which the Scottish Committee has made proposals to the Council,

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the Scottish Committee may submit its report or proposals to the [^{F1}Scottish Ministers].

Textual Amendments

F1 Words in s. 5(3)(c) substituted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 9 Pt. II para. 2(2)**; S.I. 1998/3178, **art. 3**

6 Appointment of chairmen of certain tribunals.

[^{F2}(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) applies to any tribunal specified in [^{F3}paragraph 7(b) or 38(a)] of Schedule 1.]

[^{F4}(4) In relation to the tribunals specified in paragraph 41(a), (b) and (c) of Schedule 1, this section has effect subject to sections 41 (social security appeal tribunals), 43 (disability appeal tribunals) and 50 (medical appeal tribunals) of the ^{M1}Social Security Administration Act 1992.]

(5) The person or persons constituting any tribunal specified in paragraph 31 of Schedule 1 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.

(6) 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.

(7) 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.

(8) In relation to any of the tribunals referred to in 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.

[^{F5}(8A) In relation to a Reinstatement Committee mentioned in paragraph 38(a) of Schedule 1 which sits in Northern Ireland—

(a) in subsections (1) and (2) the references to the Lord Chancellor are to be read as references to the Northern Ireland Judicial Appointments Commission, and

(b) the terms mentioned in subsection (2) are to be determined by the Northern Ireland Judicial Appointments Commission with the agreement of the [^{F6}Department of Justice].]

(9) ^{F7}.....

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Textual Amendments

- F2** S. 6(1)–(3) repealed (3.11.2008 so far as relating to Sch. 1 para. 7(b) of this Act, otherwise *prosp.*) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148(5), Sch. 8 para. 25, **Sch. 23 Pt. 1**; S.I. 2008/2696, **arts. 2, 5(c)(ii)**
- F3** Words in s. 6(3) substituted (1.6.1999, 18.10.1999, 29.11.1999 for specified purposes otherwise *prosp.*) by 1998 c. 14, ss. 86(1), 87(2), **Sch. 7 para. 118(1)**; S.I. 1999/1510, **art. 2(g)(vi)**; S.I. 1999/2860, art. 2(c), **Sch.**; S.I. 1999/3178, 2(1)(2), Sch.
- F4** S. 6(4) repealed (18.10.1999, 29.11.1999 for specified purposes otherwise *prosp.*) by 1998 c. 14, ss. 86(1)(2), 87(2), Sch. 7 para. 118(2), **Sch. 8**; S.I. 1999/2860, art. 2(c), **Sch.**; S.I. 1999/3178, art. 2(1)(2), **Sch.**
- F5** S. 6(8A) inserted (12.4.2010) by Northern Ireland Act 2009 (c. 3), ss. 2(3), 5(7), **Sch. 4 para. 25** (with Sch. 5 para. 16); S.I. 2010/812, **art. 2**
- F6** Words in s. 6(8A)(b) substituted (12.4.2010) by Department of Justice Act (Northern Ireland) 2010 (c. 3), ss. 1(5), 3(2), **Sch. para. 9**; S.R. 2010/147, **art. 2(2)**
- F7** S. 6(9) repealed (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(1), 146, 148(1), Sch. 4 para. 224, **Sch. 18 Pt. 2**; S.I. 2006/1014, art. 2(a), Sch. 1 paras. 11(u), **30(b)**

Marginal Citations

- M1** 1992 c. 5.

7 Concurrence required for removal of members of certain tribunals.

- (1) Subject to subsection (2), the power of a Minister ^{F8} . . . to terminate a person's membership of any tribunal specified in Schedule 1, or of a panel constituted for the purposes of any such tribunal, shall be exercisable only with the consent of—
- the Lord Chancellor [^{F9}(unless he is the Minister terminating the person's membership), the Lord Chief Justice of England and Wales,] 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;
 - the Lord Chancellor [^{F9}(unless he is the Minister terminating the person's membership), the Lord Chief Justice of England and Wales,] and the Lord President of the Court of Session, if the tribunal sits in all parts of Great Britain;
 - the Lord Chancellor [^{F9}(unless he is the Minister terminating the person's membership), the Lord Chief Justice of England and Wales,] and the Lord Chief Justice of Northern Ireland, if the tribunal sits both in England and Wales and in Northern Ireland;
 - the Lord Chancellor [^{F10}(unless he is the Minister terminating the person's membership) and the Lord Chief Justice of England and Wales], if the tribunal does not sit outside England and Wales;
 - the Lord President of the Court of Session, if the tribunal sits only in Scotland;
 - the Lord Chief Justice of Northern Ireland, if the tribunal sits only in Northern Ireland.
- (2) This section does not apply to any tribunal specified in paragraph 3 ^{F11} . . . , 12, 14 [^{F12}15(f)], 17, 18 ^{F11} . . . , 26, 33(a), [^{F13}33AA]. . . 34, 35 ^{F14} . . . (e) [^{F15} [^{F16}(i), (j), (k) or (l)], 36(a) [^{F17}36A ^{F18} . . .], 39(b), 40, [^{F19} 48 or 56(a)] [^{F20} or 57A] of Schedule 1.
- (3) ^{F21}

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Textual Amendments

- F8** Words in s. 7(1) repealed (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(1), 146, 148(1), Sch. 4 para. 225(2), **Sch. 18 Pt. 2**; S.I. 2006/1014, art. 2(a), Sch. 1 paras. 11(u), **30(b)**
- F9** Words in s. 7(1)(a)-(c) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(1), 148(1), **Sch. 4 para. 225(3)**; S.I. 2006/1014, art. 2(a), **Sch. 1 para. 11(u)**
- F10** Words in s. 7(1)(d) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(1), 148(1), **Sch. 4 para. 225(4)**; S.I. 2006/1014, art. 2(a), **Sch. 1 para. 11(u)**
- F11** Words in s. 7(2) repealed (1.12.2001) by S.I. 2001/3649, **arts. 1**, 334
- F12** Word in s. 7(2) inserted (1.10.1998) by 1998 c. 31, s. 25(4), **Sch. 5 para. 10(1)**; S.I. 1998/2212, art. 2(1), **Sch. 1 Pt. 1**
- F13** Word in s. 7(2) inserted (1.4.1999) by 1998 c. 22, s. 1(5), **Sch. 1 Pt. III para. 12(2)(a)**; S.I. 1999/650, **art. 2(a)(b)**
- F14** Words in s. 7(2) repealed (6.4.1997) by 1995 c. 26, ss. 151, 177, Sch. 5 para. 16(2), **Sch. 7 Pt. III**; S.I. 1997/664, art. 2(3), **Sch. Pt. II**
- F15** Words in s. 7(2) inserted (6.4.1997) by 1995 c. 26, s. 122, **Sch. 3 para. 21(a)**; S.I. 1997/664, art. 2(3), **Sch. Pt. II**
- F16** Words in s. 7(2) substituted (10.2.2005) by Pensions Act 2004 (c. 35), ss. 319(1), 322(1), **Sch. 12 para. 8(2)**; S.I. 2005/275, **art. 2(4)**, Sch. Pt. 4
- F17** Word in s. 7(2) inserted (E.W.) (1.4.1999) by 1996 c. 16, s. 103(1), **Sch. 7 para. 45**; S.I. 1999/533, **art. 2(a)**
- F18** Words in s. 7(2) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 178(8), Sch. 4 para. 61, Sch. 17 Pt. 2; S.I. 2006/378, **art. 4(1)**, Sch. para. 13(v) (subject to art. 4(2)-(7))
- F19** Words in s. 7(2) substituted (in force for specified purposes 18.10.1999 otherwise *prosp.*) by virtue of 1998 c. 14, s. 86(1), **Sch. 7 para. 119**; S.I. 1999/2860, art. 2(c), **Sch. 1**
- F20** Words in s. 7(2) substituted (1.8.1996) by 1994 c. 29, s. 44, **Sch. 5**, para. 39(b); S.I. 1996/1646, art. 2, **Sch.**
- F21** S. 7(3) repealed (4.4.2005) by Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19), ss. 26(7), 47, 48(3), Sch. 2 para. 7(2), **Sch. 4**; S.I. 2005/565, **art. 2(d)** (with arts. 3-9)

8 Procedural rules for tribunals.

[^{F22}(1) The power of a Minister, the Lord President of the Court of Session, the Commissioners of Inland Revenue or the Foreign Compensation Commission to make, approve, confirm or concur in procedural rules for any tribunal specified in Schedule 1 shall be exercisable only after consultation with the Council.

^{F23}(2)

(3) The Council shall consult the Scottish Committee in relation to the exercise of their functions under this section [^{F24} with respect to any tribunal specified in Part 2 of Schedule 1]

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

Textual Amendments

- F22** S. 8 repealed (21.7.2008 so far as it applies to the powers of a Minister, otherwise *prosp.*) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148(5), Sch. 8 para. 27, **Sch. 23 Pt. 1**; S.I. 2008/1653, **art. 2(a)**
- F23** S. 8(2) repealed (1.12.2001) by S.I. 2001/3649, **arts. 1**, 335(2)

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F24 Words in s. 8(3) substituted for s. 8(3)(a)(b) (1.12.2001) by S.I. 2001/3649, **arts. 1, 335(3)**

9 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), rules made under this section may regulate procedure in connection with matters preparatory to such statutory inquiries as are mentioned in subsection (1), and in connection with matters subsequent to such inquiries, as well as in connection with the conduct of proceedings at such inquiries.

[^{F25}(3A) The Council, in exercising their functions under this section in relation to inquiries to be held in Wales, shall consult with the Welsh Committee.]

- (4) In the application of this section to inquiries held in Scotland—
 - (a) for any reference to the Lord Chancellor there shall be substituted a reference to the Lord Advocate, and
 - (b) the Council, in exercising their functions under this section in relation to rules to be made by the Lord Advocate, shall consult with the Scottish Committee.

[^{F26}(6) In the application of this section to inquiries held in Northern Ireland, the power to make rules is exercisable by the Department of Justice in Northern Ireland (and not by the Lord Chancellor) so far as the power may be used to make Northern Ireland devolved provision.]

Textual Amendments

- F25** S. 9(3A) inserted (3.11.2008) by *Tribunals, Courts and Enforcement Act 2007* (c. 15), ss. 48(1), 148(5), **Sch. 8 para. 28**; S.I. 2008/2696, **art. 5(c)(i)** (with art. 3)
- F26** S. 9(6) inserted (12.4.2010) by *The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010* (S.I. 2010/976), arts. 1(2), 15(5), **Sch. 18 para. 48(2)** (with arts. 28-31); S.I. 2010/977, art. 1(2)

Modifications etc. (not altering text)

- C1** S. 9: transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1, 2, **Sch. 1** (with art. 7); S.I. 1998/3178, **art. 3**

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