



Tribunals and Inquiries Act 1992

1992 CHAPTER 53

Judicial control of tribunals etc.

10 Reasons to be given for decisions of tribunals and Ministers

- (1) Subject to the provisions of this section and of section 14, where—
 - (a) any tribunal specified in Schedule 1 gives any decision, or
 - (b) any Minister notifies any decision taken by him—
 - (i) after a statutory inquiry has been held by him or on his behalf, or
 - (ii) in a case in which a person concerned could (whether by objecting or otherwise) have required a statutory inquiry to be so held,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.
- (2) The statement referred to in subsection (1) may be refused, or the specification of the reasons restricted, on grounds of national security.
- (3) A tribunal or Minister may refuse to furnish a statement under subsection (1) to a person not primarily concerned with the decision if of the opinion that to furnish it would be contrary to the interests of any person primarily concerned.
- (4) Subsection (1) does not apply to any decision taken by a Minister after the holding by him or on his behalf of an inquiry or hearing which is a statutory inquiry by virtue only of an order made under section 16(2) unless the order contains a direction that this section is to apply in relation to any inquiry or hearing to which the order applies.
- (5) Subsection (1) does not apply—
 - (a) to decisions in respect of which any statutory provision has effect, apart from this section, as to the giving of reasons,
 - (b) 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, or

- (c) to decisions of the Occupational Pensions Board referred to in paragraph 35(d) of Schedule 1.
- (6) Any statement of the reasons for a decision referred to in paragraph (a) or (b) of subsection (1), 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.
- (7) If, after consultation with the Council, it appears to the Lord Chancellor and the Lord Advocate that it is expedient that—
 - (a) decisions of any particular tribunal or any description of such decisions, or
 - (b) any description of decisions of a Minister,
 should be excluded from the operation of subsection (1) 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 the Lord Advocate may by order direct that subsection (1) shall not apply to such decisions.
- (8) Where an order relating to any decisions has been made under subsection (7), the Lord Chancellor and the Lord Advocate may, by a subsequent order made after consultation with the Council, revoke or vary the earlier order so that subsection (1) applies to any of those decisions.

11 Appeals from certain tribunals

- (1) Subject to subsection (2), if any party to proceedings before any tribunal specified in paragraph 8, 15(a) or (d), 16, 18, 24, 26, 31, 33(b), 37, 44 or 45 of Schedule 1 is dissatisfied in point of law with a decision of the tribunal he may, according as rules of court may provide, either appeal from the tribunal to the High Court or require the tribunal to state and sign a case for the opinion of the High Court.
- (2) Subsection (1) shall not apply in relation to proceedings before industrial tribunals which arise under or by virtue of any of the enactments mentioned in section 136(1) of the Employment Protection (Consolidation) Act 1978.
- (3) Rules of court made with respect to all or any of the tribunals referred to in subsection (1) may provide for authorising or requiring a tribunal, in the course of proceedings before it, to state, in the form of a special case for the decision of the High Court, any question of law arising in the proceedings; and a decision of the High Court on a case stated by virtue of this subsection shall be deemed to be a judgment of the Court within the meaning of section 16 of the Supreme Court Act 1981 (jurisdiction of Court of Appeal to hear and determine appeals from judgments of the High Court).
- (4) In relation to proceedings in the High Court or the Court of Appeal brought by virtue of this section, the power to make rules of court shall include power to make rules prescribing the powers of the High Court or the Court of Appeal with respect to—
 - (a) the giving of any decision which might have been given by the tribunal;
 - (b) the remitting of the matter with the opinion or direction of the court for re-hearing and determination by the tribunal;
 - (c) the giving of directions to the tribunal;
 and different provisions may be made for different tribunals.
- (5) An appeal to the Court of Appeal shall not be brought by virtue of this section except with the leave of the High Court or the Court of Appeal.

- (6) Subsection (1) shall apply to a decision of the Secretary of State on an appeal under section 41 of the Consumer Credit Act 1974 from a determination of the Director General of Fair Trading as it applies to a decision of any of the tribunals mentioned in that subsection, but with the substitution for the reference to a party to proceedings of a reference to any person who had a right to appeal to the Secretary of State (whether or not he has exercised that right); and accordingly references in subsections (1) and (4) to a tribunal shall be construed, in relation to such an appeal, as references to the Secretary of State.
- (7) The following provisions shall have effect for the application of this section to Scotland—
- (a) in relation to any proceedings in Scotland of any of the tribunals referred to in the preceding provisions of this section, or on an appeal under section 41 of the Consumer Credit Act 1974 by a company registered in Scotland or by any other person whose principal or prospective principal place of business in the United Kingdom is in Scotland, this section shall have effect with the following modifications—
 - (i) for references to the High Court or the Court of Appeal there shall be substituted references to the Court of Session,
 - (ii) in subsection (3) for “in the form of a special case for the decision of the High Court” there shall be substituted “a case for the opinion of the Court of Session on” and the words from “and a decision” to the end of the subsection shall be omitted, and
 - (iii) subsection (5) shall be omitted,
 - (b) this section shall apply, with the modifications specified in paragraph (a)—
 - (i) to proceedings before any such tribunal as is specified in paragraph 51, 56(b), 59 or 63 of Schedule 1, and
 - (ii) subject to paragraph (c) below, to proceedings before the Lands Tribunal for Scotland,as it applies to proceedings before the tribunals referred to in subsection (1);
 - (c) subsection (1) shall not apply in relation to proceedings before the Lands Tribunal for Scotland which arise under section 1(3A) of the Lands Tribunal Act 1949 (jurisdiction of the tribunal in valuation matters);
 - (d) an appeal shall lie, with the leave of the Court of Session or the House of Lords, from any decision of the Court of Session under this section, and such leave may be given on such terms as to costs or otherwise as the Court of Session or the House of Lords may determine.
- (8) In relation to any proceedings in Northern Ireland of any of the tribunals referred to in subsection (1) and in relation to a decision of the Secretary of State on an appeal under section 41 of the Consumer Credit Act 1974 by a company registered in Northern Ireland or by any other person whose principal or prospective principal place of business in the United Kingdom is in Northern Ireland, this section shall have effect with the following modifications—
- (a) in subsection (3), for the words from the beginning to “provide” there shall be substituted “Rules may be made under section 55 of the Judicature (Northern Ireland) Act 1978 providing”, and for “section 16 of the Supreme Court Act 1981” there shall be substituted “section 35 of the Judicature (Northern Ireland) Act 1978”;

- (b) in subsection (4), for “the power to make rules of court shall include power to make rules” there shall be substituted “rules may be made under section 55 of the Judicature (Northern Ireland) Act 1978”;
 - (c) at the beginning of subsection (5), there shall be inserted “Rules made under section 55 of the Judicature (Northern Ireland) Act 1978, relating to such proceedings as are mentioned in subsection (4), shall provide that the appeal shall be heard, or as the case may be, the decision of the High Court shall be given, by a single judge, but”.
- (9) Her Majesty may by Order in Council direct that all or any of the provisions of this section, so far as it relates to proceedings in the Isle of Man or any of the Channel Islands of the tribunal specified in paragraph 45 of Schedule 1, shall extend to the Isle of Man or to any of the Channel Islands subject to such modifications as may be specified in the Order.
- (10) In this section “decision” includes any direction or order, and references to the giving of a decision shall be construed accordingly.

12 Supervisory functions of superior courts not excluded by Acts passed before 1st August 1958

- (1) As respects England and Wales—
- (a) any provision in an Act passed before 1st August 1958 that any order or determination shall not be called into question in any court, or
 - (b) any provision in such an Act which by similar words excludes any of the powers of the High Court,
- shall not have effect so as to prevent the removal of the proceedings into the High Court by order of certiorari or to prejudice the powers of the High Court to make orders of mandamus.
- (2) As respects Scotland—
- (a) any provision in an Act passed before 1st August 1958 that any order or determination shall not be called into question in any court, or
 - (b) any provision in such an Act which by similar words excludes any jurisdiction which the Court of Session would otherwise have to entertain an application for reduction or suspension of any order or determination, or otherwise to consider the validity of any order or determination,
- shall not have effect so as to prevent the exercise of any such jurisdiction.
- (3) Nothing in this section shall apply—
- (a) to any order or determination of a court of law, or
 - (b) where an Act makes special provision for application to the High Court or the Court of Session within a time limited by the Act.