



Tribunals and Inquiries Act 1971 (repealed 1.10.1992)

1971 CHAPTER 62

The Council on Tribunals and its functions

1 Council on Tribunals.

- (1) There shall continue to be a council entitled the Council on Tribunals (being the council constituted by the ^{M1}Tribunals and Inquiries Act 1958)—
- (a) to keep under review the constitution and working of the tribunals specified in Schedule 1 to this Act (being the tribunals constituted under or for the purposes of the statutory provisions specified in that Schedule) and, from time to time, to report on their constitution and working;
 - (b) to consider and report on such particular matters as may be referred to the Council under this Act with respect to tribunals other than the ordinary courts of law, whether or not specified in Schedule 1 to this Act, or any such tribunal;
 - (c) to consider and report on such matters as may be referred as aforesaid, or as the Council may determine to be of special importance, with respect to administrative procedures involving, or which may involve, the holding by or on behalf of a Minister of a statutory inquiry, or any such procedure.
- (2) Nothing in this section shall authorise or require the Council to deal with any matter with respect to which the Parliament of Northern Ireland has power to make laws.

Modifications etc. (not altering text)

- C1** S. 1(1)(c) extended (S.) by [Town and Country Planning \(Scotland\) Act 1972 \(c. 52\), s. 7\(6\)](#)
- C2** S. 1(1)(c) extended by [Local Government Act 1985 \(c. 51, SIF 81:1\), s. 4, Sch. 1 para. 9\(7\)](#) (the extension being in force as regards specified areas by virtue of [S.I. 1988/140, 1989/1065, 1089, 1979, 2114, 1990/652, 1183](#) and being otherwise prospective)
- C3** S. 1(1)(c) extended (E.W.) (*prosp.* in part) by [Town and Country Planning Act 1990 \(c. 8, SIF 123:1\), ss. 10, 20\(7\), 24, 28\(1\)\(2\)](#)
- C4** S. 1(1)(c) extended (E.W.) by [Town and Country Planning Act 1990 \(c. 8, SIF 123:1\), ss. 29, 35\(8\), 49](#)

Status: Point in time view as at 03/02/1992.

Changes to legislation: There are currently no known outstanding effects for the Tribunals and Inquiries Act 1971 (repealed 1.10.1992).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

- C5** S. 1(1)(c) extended (E.W.) by [Town and Country Planning Act 1990 \(c. 8, SIF 123:1\)](#), [s. 35B\(7\)](#) (as inserted (25.11.1991 to the extent mentioned in [S.I. 1991/2728 art. 2](#) and 10.2.1992 otherwise) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 27, [Sch. 4 para.17](#); [S.I. 1991/2728, art.2](#); [S.I. 1991/2905, art.4](#).)
- C6** Reference to matters with respect to which the Parliament of Northern Ireland has power to make laws to be construed as a reference to matters with respect to which that Parliament would have had power to make laws if the [Northern Ireland Constitution Act 1973 \(c. 36\)](#) had not been passed: *ibid.*, s. 40(2)

Marginal Citations

M1 1958 c. 66.

2 Composition of the Council and the Scottish Committee.

- (1) Subject to subsection (3) of this section the Council on Tribunals (in this Act referred to as “the Council”) shall consist of not more than fifteen nor less than ten members appointed by the Lord Chancellor and [^{F1}the Lord Advocate] and one of the members shall be so appointed to be chairman of the Council.
- (2) There shall be a Scottish Committee of the Council (in this Act referred to as “the Scottish Committee”) which, subject to subsection (3) of this section, shall consist of—
 - (a) either two or three members of the Council designated by [^{F1}the Lord Advocate]; and
 - (b) either three or four persons, not being members of the Council, appointed by [^{F1}the Lord Advocate];
 and [^{F1}the Lord Advocate] shall appoint one of the members of the Scottish Committee (being a member of the Council) to be chairman of the Scottish Committee.
- (3) In addition to the persons appointed or designated as aforesaid, the Parliamentary Commissioner for Administration shall, by virtue of his office, be a member of the Council and of the Scottish Committee.
- (4) In appointing members of the Council regard shall be had to the need for representation of the interests of persons in Wales.

Textual Amendments

F1 Words substituted by [S.I. 1972/2002, art. 3\(3\)\(c\)](#)

3 Tenure of office, remuneration and expenses.

- (1) Persons appointed under section 2 of this Act 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 Minister or Ministers by whom they were appointed; and any such person who ceases to hold office shall be eligible for re-appointment.
- (2) There shall be paid to the chairman of the Council and the chairman of the Scottish Committee such salaries, and to the other members of the Council and of the Scottish Committee such fees (if any) as may be determined by the Treasury.
- (3) The salaries and fees payable under subsection (2) of this section, together with such expenses of the Council and of the Scottish Committee (including subsistence

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allowances for and travelling expenses of their members) as may be approved by the Treasury shall be defrayed out of moneys provided by Parliament.

4 Reports of, and references to, Council and Scottish Committee.

- (1) Subject to the provisions of this section, any report by, or reference to, the Council shall be made to, or as the case may be by, the Lord Chancellor and [^{F2}the Lord Advocate].
- (2) A reference to the Council of a matter relating only to England and Wales may be made by the Lord Chancellor and a reference to the Council of a matter relating only to Scotland may be made by [^{F2}the Lord Advocate]; and the report of the Council on a reference so made shall be made to the Minister making the reference.
- (3) The Council shall not make a report on any such tribunal as is specified in Part II of Schedule 1 to this Act, or on any matter referred to the Council by [^{F2}the Lord Advocate], until the Council have referred the matter of the report for consideration, and report to the Council, by the Scottish Committee and have considered the report of that Committee.
- (4) Where, without any reference having been made to them, the Council report on any such matter as is mentioned in section 1(1)(c) of this Act, then—
 - (a) if the matter relates only to England and Wales, subsection (2) of this section shall apply as if the matter had been referred to the Council by the Lord Chancellor;
 - (b) if the matter relates only to Scotland, subsections (2) and (3) of this section shall apply as if the matter had been referred to them by [^{F2}the Lord Advocate].
- (5) The Scottish Committee may of its own motion make a report to the Council with respect to the constitution or working of any such tribunal as is specified in Part II of Schedule 1 to this Act or with respect to any matter falling within section 1(1)(c) of this Act and relating only to Scotland.
- (6) If the Council, in reporting on any matter which they have referred to the Scottish Committee or on which that Committee has reported to the Council of its own motion, do not adopt the report of that Committee without modification, or if the Council do not make a report on matters on which the Scottish Committee has reported to the Council of its own motion, the Scottish Committee may submit its report to [^{F2}the Lord Advocate].
- (7) The Council shall make an annual report to the Lord Chancellor and [^{F2}the Lord Advocate] on their proceedings and those of the Scottish Committee, and the Lord Chancellor and [^{F2}the Lord Advocate] shall lay the annual report before Parliament with such comments (if any) as they think fit.

Textual Amendments

F2 Words substituted by [S.I. 1972/2002](#), [art. 3\(3\)\(c\)](#)

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

- (1) Without prejudice to the generality of section 1(1)(a) of this Act, the Council may make to the appropriate Minister general recommendations as to the making of appointments to membership of any such tribunals as are specified in Schedule 1 to

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this Act or of panels constituted for the purposes of any such tribunals; and (without prejudice, however, 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” means, in relation to appointments of any description, 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 such tribunal as is specified in Part II of Schedule 1 to this Act—
 - (a) the Council shall not make any such recommendations as aforesaid until they have referred the matter of the recommendations for consideration, and report to the Council, by the Scottish Committee and have considered the report of that Committee;
 - (b) without prejudice to the generality of section 4(5) of this Act, the Scottish Committee may of its own motion propose any such general recommendations as aforesaid as expedient to be made by the Council to the appropriate Minister;
 - (c) if the Council, 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 if the Council do not make recommendations on matters on which the Scottish Committee has made proposals to the Council, the Scottish Committee may submit its report or proposals to [^{F3}the Lord Advocate].

Textual Amendments
F3 Words substituted by [S.I. 1972/2002, art. 3\(3\)\(c\)](#)

Modifications etc. (not altering text)
C7 [S. 5](#) extended by [Social Security Act 1973 \(c. 38\), s. 66\(4\)](#)
C8 [S. 5](#) extended by [Social Security Act 1973 \(c. 38, SIF 113:1\), s. 66\(4\)](#)

6 ^{F4}

Textual Amendments
F4 [S. 6](#) repealed by [Local Government Act 1972 \(c. 70\), Sch. 30](#)

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

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- 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 . . . ^{F5}, 19(a), (b) or (e), [^{F6}. . . ^{F7}^{F8} or 30A(a) [^{F9}, (c) or (d)]] of Schedule 1 to this Act. . . ^{F7}.
 - (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—
 - (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

- F5** Words repealed by [Social Security \(Miscellaneous Provisions\) Act 1977 \(c. 5\)](#), [Sch. 2](#)
- F6** Words in [s. 7\(3\)](#) substituted (E.W.S.) by [Supplementary Benefits Act 1976 \(c. 71\)](#), [s. 35\(2\)](#), [Sch. 7 para. 22\(a\)](#)
- F7** Words repealed (E.W.S.) by [Housing Act 1980 \(c. 51, SIF 61\)](#), [s. 152](#), [Sch. 26](#)
- F8** 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](#)
- F9** Words in [s. 7\(3\)](#) substituted (3.2.1992) by [Disability Living Allowance and Disability Working Allowance Act 1991 \(c. 21, SIF 113:1\)](#), [s. 4\(2\)](#), [Sch. 2 para. 2\(1\)](#); S.I. 1991/2617, [art. 2\(c\)\(d\)](#)

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Modifications etc. (not altering text)

C9 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^{F50}, 19(a), (b) or (e), 20 or 28(a) [^{F51}30A(a) [^{F52} (c) or (d)]] 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^{M16}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.
- (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.

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Textual Amendments

- F50** Words repealed by [Social Security \(Miscellaneous Provisions\) Act 1977 \(c. 5\)](#), [Sch. 2](#)
F51 Words inserted by [Social Security \(Miscellaneous Provisions\) Act 1977 \(c. 5\)](#), [s. 22\(15\)](#)
F52 Words in [s. 7\(3\)](#) substituted (3.2.1992) by [Disability Living Allowance and Disability Working Allowance Act 1991 \(c. 21, SIF 113:1\)](#), [s. 4\(2\)](#), [Sch. 2 para. 2\(1\)](#); [S.I. 1991/2617](#), [art. 2\(c\)\(d\)](#)

Modifications etc. (not altering text)

- C27** [S. 7](#) applied by [S.I. 1979/659](#), [art. 3](#)

Marginal Citations

- M16** [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—
- 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;
 - the Lord Chancellor and the Lord President of the Court of Session, if the tribunal sits in all parts of Great Britain;
 - the Lord Chancellor and the Lord Chief Justice of Northern Ireland, if the tribunal sits both in England and Wales and in Northern Ireland;
 - the Lord Chancellor, 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 such tribunal as is specified in paragraph [\[^{F10}2A\]\[^{F11}5A\]\[^{F12}, 5B\]\[^{F13}6A\]\[^{F14}6B\]\[^{F15}7A\]\[^{F16}10A\]17\(a\)](#), [22](#), [\[^{F17}23\(e\)\]](#), [25\(a\)](#), [29\(b\)](#), [30](#), [35 \[^{F18}37A\]](#) 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

- F10** Words inserted by [Banking Act 1987 \(c. 22, SIF 10\)](#), [s. 108\(1\)](#), [Sch. 6 para. 4\(1\)](#)
F11 Words inserted by [Data Protection Act 1984 \(c. 35, SIF 106\)](#), [s. 3\(6\)](#), [Sch. 2 para. 13\(a\)](#)
F12 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\(1\)](#)
F13 Words substituted by [Estate Agents Act 1979 \(c. 38, SIF 124:4\)](#), [s. 24\(1\)\(a\)](#)
F14 Words inserted by [Financial Services Act 1986 \(c. 60, SIF 69\)](#), [s. 96\(6\)](#), [Sch. 6 para. 6\(a\)](#)
F15 Words repealed (E.W.S.) by [Health Services Act 1980 \(c. 53, SIF 113:2\)](#), [s. 25\(4\)](#), [Sch. 7](#)
F16 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](#))

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F17 Words inserted by [Social Security Act 1990](#) (c. 27, SIF 113:1), **s. 12(2)(b)**

F18 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)

C10 [S. 8](#) extended (E.W.S.) by [Insolvency Act 1986](#) (c. 45, SIF 66), s. 396, **Sch. 7 para. 1(2)**

C11 [S. 8](#) excluded by [Civil Aviation Act 1982](#) (c. 16, SIF 9), **s. 7(3)(b)**

9

F19

Textual Amendments

F19 [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 [^{F20}the 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.
- (3) In this section “procedural rules” includes any statutory provision relating to the procedure of the tribunal in question.

Textual Amendments

F20 Words substituted by [S.I. 1972/1210](#), **art. 4**

Modifications etc. (not altering text)

C12 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.

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- (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 [^{F21}the Lord Advocate]; and the Council, in exercising their functions under this section in relation to rules to be made by [^{F21}the Lord Advocate], shall consult with the Scottish Committee.

Textual Amendments

F21 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.
- (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 [^{F22}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

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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 [^{F22}the Lord Advocate] may by order direct that subsection (1) of this section shall not apply to such decisions.

Textual Amendments

F22 Words substituted by S.I. 1972/2002, art. 3(3)(c)

Modifications etc. (not altering text)

C13 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

C14 S. 12(1) applied by S.I. 1975/1379, art. 4

Judicial control of tribunals etc.

13 Appeals from certain tribunals.

- (1) If any party to proceedings before any such tribunal as is specified in paragraph 2(b), [^{F23}4], [^{F24}6][^{F24}6(a)][^{F25}6B], 10 [^{F26}10A], 16, 17(b), [^{F27}18(a)], 21, 26, 28 [^{F28}(a) or](b) or 32 of Schedule 1 to this Act [^{F29}or to proceedings before a Registered Homes Tribunal] is dissatisfied in point of law with a decision of the tribunal he may, according as rules of court may provide, either appeal therefrom to the High Court or require the tribunal to state and sign a case for the opinion of the High Court.
- [^{F30}(1A) Subsection (1) of this section 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 ^{M2}Employment Protection (Consolidation) Act 1978.]
- (2) Rules of court made with respect to all or any of the said tribunals 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 [^{F31}16 of ^{M3} the Supreme Court Act 1981] (jurisdiction of Court of Appeal to hear and determine appeals from judgments of the High Court).
- (3) 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—
- the giving of any decision which might have been given by the tribunal;
 - the remitting of the matter with the opinion or direction of the court for re-hearing and determination by the tribunal;
 - the giving of directions to the tribunal;
- and different provisions may be made for different tribunals.
- (4) . . . ^{F32} no appeal to the Court of Appeal shall be brought by virtue of this section except with the leave of the High Court or the Court of Appeal.
- (5) [^{F33}Subsection (1) of this section shall apply to a decision of the Secretary of State on an appeal from the traffic commissioners for any area or the traffic commissioner for the metropolitan traffic area as it applies to a decision of any of the tribunals mentioned

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in that subsection, but with the substitution for the reference to a party to proceedings of a reference to any person who had, or if aggrieved would have 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 (3) of this section to a tribunal shall be construed, in relation to such an appeal, as references to the Secretary of State.]

[^{F34}(5A) Subsection (1) of this section shall apply to a decision of the Secretary of State on an appeal under section 41 of the ^{M4}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 (3) of this section to a tribunal shall be construed, in relation to such an appeal, as references to the Secretary of State.]

(6) 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 foregoing provisions of this section, . . . ^{F35}, [^{F36}or on an appeal under section 41 of the ^{M5}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, that is to say—

(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 (2) for the words “in the form of a special case for the decision of the High Court” there shall be substituted the words “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;

(iii) subsection (4) shall be omitted;

(b) this section shall apply, subject to the modifications specified in the foregoing paragraph, to proceedings before any such tribunal as is specified in paragraphs 38, 39, 41(b), 42 or 45(a) or (b) of Schedule 1 to this Act as it applies to proceedings before the tribunals referred to in subsection (1) of this section;

[^{F37}(bb) subsection (1) of this section shall not apply in relation to proceedings before the Lands Tribunal for Scotland which arise under section 1(3A) of the Lands Tribunal Act ^{M6}1949 (jurisdiction of the Tribunal in valuation matters).]

(c) 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.

(7) In relation to any proceedings in Northern Ireland of any of the tribunals referred to in subsection (1) of this section, [^{F38}and in relation to a decision of the Secretary of State on an appeal under section 41 of the ^{M7}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, that is to say—

(a) in subsection (2), for the words from the beginning to “provide” there shall be substituted the words “Rules may be made under [^{F39}section 55 of the ^{M8}Judicature (Northern Ireland) Act 1978] providing”, and for the words

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- “section 27 of the ^{M9}Supreme Court of Judicature (Consolidation) Act 1925” there shall be substituted the words [^{F39}“section 35 of the ^{M10}Judicature (Northern Ireland) Act 1978”];
- (b) in subsection (3), for the words “the power to make rules of court shall include power to make rules” there shall be substituted the words “rules may be made under [^{F39}section 55 of the ^{M11}Judicature (Northern Ireland) Act 1978]”;
- (c) in subsection (4), for the words from the beginning to “Divisional Court” there shall be substituted the words “Rules made under [^{F39}section 55 of the ^{M12}Judicature (Northern Ireland) Act 1978], relating to such proceedings as aforesaid, 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”.
- (8) 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 32 of Schedule 1 to this Act, 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.
- (9) In this section “decision” includes any direction or order, and references to the giving of a decision shall be construed accordingly.
- (10) In relation to any such tribunals as are specified in paragraph 10 or 38 of Schedule 1 to this Act this section shall have effect subject to any enactment passed in the same Session as this Act with respect to appeals from such tribunals.

Textual Amendments

- F23** “4” repealed (E.W.S.) by [Health and Social Services and Social Security Adjudications Act 1983](#) (c. 41, SIF 113:3), s. 29, [Sch. 10 Pt. I](#)
- F24** “6(a)” substituted (E.W.) for “6” by [Education Act 1980](#) (c. 20, SIF 41:1), s. 7(6) (subject to transitional savings in S.I. 1980/959, art. 4, [Sch. 3 para. 1](#))
- F25** Words inserted by [Financial Services Act 1986](#) (c. 60, SIF 69), s. 96(6), [Sch. 6 para. 6\(b\)](#)
- F26** Words inserted (E.W.S.) by [Insolvency Act 1985](#) (c. 65, SIF 66), s. 8, [Sch. 1 para. 5\(3\)](#) (but s. 8 of the 1985 Act is repealed by [Insolvency Act 1986](#) (c.45, SIF 66), s. 438, [Sch. 12](#))
- F27** Words repealed (E.W.S.) by [Health and Social Services and Social Security Adjudications Act 1983](#) (c. 41, SIF 113:3), s. 30, [Sch. 10 Pt. I](#)
- F28** Words repealed (E.W.S.) by [Housing Act 1980](#) (c. 51, SIF 61), s. 152, [Sch. 26](#)
- F29** Words inserted (E.W.S.) by [Health and Social Services and Social Security Adjudications Act 1983](#) (c. 41, SIF 113:3), s. 29, [Sch. 9 Pt. I para. 11](#)
- F30** S. 13(1A) inserted by [Employment Protection \(Consolidation\) Act 1978](#) (c. 44), [Sch. 16 para. 11](#)
- F31** Words substituted by [Supreme Court Act 1981](#) (c. 54, SIF 37), s. 152(1), [Sch. 5](#)
- F32** Words repealed by [Administration of Justice Act 1977](#) (c. 38), [Sch. 5 Pt. IV](#)
- F33** S. 13(5) repealed (E.W.S.) by [Transport Act 1980](#) (c. 34, SIF 107:1, 126), s. 69, [Sch. 9 Pt. I](#) (subject to savings in S.I. 1981/256, [arts. 7\(2\)](#), 11(6))
- F34** S. 13(5A) inserted by [Consumer Credit Act 1974](#) (c. 39), s. 42(1)
- F35** Words repealed by [Transport Act 1980](#) (c. 34, SIF 107:1, 126), s. 69, [Sch. 9 Pt. I](#) (subject to savings in S.I. 1981/256, [arts. 7\(2\)](#), 11(6))
- F36** Words inserted by [Consumer Credit Act 1974](#) (c. 39), s. 42(2)
- F37** Para. (bb) inserted (S.) by [Rating and Valuation \(Amendment\) \(Scotland\) Act 1984](#) (c. 31, SIF 103:2), s. 21, [Sch. 2 para. 12](#)
- F38** Words inserted by [Consumer Credit Act 1974](#) (c. 39), s. 42(3)
- F39** Words substituted by [Judicature \(Northern Ireland\) Act 1978](#) (c. 23), [Sch. 5 Pt. II](#)

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Modifications etc. (not altering text)

- C15** S. 13 extended by [S.I. 1972/1210, art. 3](#) and 1974/1478, art. 3
- C16** Power to modify conferred (E.W.N.I.) by [Finance Act 1985 \(c. 54, SIF 40:2\), s. 26\(2\)\(a\)](#)
- C17** S. 13(1) modified (E.W.S.) by [Road Traffic Regulation Act 1984 \(c. 27, SIF 107:1\), ss. 43, 143, Sch. 4 para. 18\(2\)](#)
- C18** S. 13(1) restricted (E.W.) by [Housing Act 1980 \(c. 51, SIF 61\), s. 142, Sch. 22 para. 2](#)
- C19** S. 13(1) excluded (E.W.S.) by [S.I. 1981/1794, reg. 11\(10\)](#)
- C20** S. 13(1) applied (E.W.S.) by [S.I. 1978/1535, art. 11, Sch. para. 18\(2\), 1979/119, art. 11, Sch. para. 18\(2\)](#) and 1986/225, art. 11, Sch. para. 18(2)
- C21** S. 13(3) modified (E.W.S.) by [S.I. 1978/1535, art. 11, Sch. para. 18\(2\), 1979/119, art. 11, Sch. para. 18\(2\)](#) and 1986/225, art. 11, Sch. para. 18(2)
- C22** S. 14 extended by [Friendly Societies Act 1974 \(c. 46\), s. 76\(1\)](#)

Marginal Citations

- M2** 1978 c. 44.
- M3** 1981 c. 54)
- M4** 1974 c. 39.
- M5** 1974 c. 39.
- M6** 1949 c.42 (127).
- M7** 1974 c. 39.
- M8** 1978 c. 23.
- M9** 1925 c. 49.
- M10** 1978 c. 23.
- M11** 1978 c. 23.
- M12** 1978 c. 23.

14 Extension of supervisory powers of superior courts.

- (1) [^{F40}As respects England and Wales . . . ^{F41}, 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 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:]

.....^{F41}

- (2) As respects Scotland, 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 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) [^{F40}Nothing in this section shall . . . ^{F42}apply to any order or determination of a court of law or where an Act makes special provision for application to the High Court or the Court of Session within a time limited by the Act.]

Textual Amendments

- F40** S. 14(1)(3) repealed (N.I.) by [S.I. 1975/816 \(N.I. 7\), Sch. 2](#)

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- F41** Words and s. 14(1) proviso repealed by virtue of [S.I. 1975/816, Sch. 2](#)
F42 Words repealed by [British Nationality Act 1981 \(c. 61, SIF 87\), s. 52\(8\), Sch. 9](#)

Supplementary provisions

15 Power to apply Act to additional tribunals and to repeal or amend certain provisions.

- (1) The Lord Chancellor and [^{F43}the Lord Advocate] may by order direct that Part I or Part II of Schedule 1 to this Act shall have effect as if there were specified therein any such tribunals, other than any of the ordinary courts of law, as may be provided by the order.
- (2) The Lord Chancellor and [^{F43}the Lord Advocate] may by order make provision, as respects any such tribunal as is for the time being specified in Schedule 1 to this Act, not being a tribunal mentioned in section 7 of this Act, for applying any of the provisions of that section to the tribunal or for providing for the appointment by the Lord Chancellor, the Lord President of the Court of Session or the Lord Chief Justice of Northern Ireland of the chairman of the tribunal and of any person to be appointed to act as chairman.
- (3) The Lord Chancellor and [^{F43}the Lord Advocate] may by order apply section 13 of this Act to any such tribunal as is for the time being specified in Schedule 1 to this Act.
- (4) Any order under the foregoing provisions of this section may make any such adaptations of the provisions of this Act as may be necessary or expedient in consequence of the order.
- (5) The Lord Chancellor and [^{F43}the Lord Advocate] may by order—
 - (a) repeal or amend section 8(3) of this Act or any of paragraphs 2, 3, 5, 8, 9, 10, 13, 14, 18(a), 23(a) and (d), 27, 28(b), 29(d), 34, 38, 39, 43(a), 44 and 45(b) of Schedule 1 to this Act;
 - (b) repeal the references in section 13 of this Act to any of paragraphs 2(b), 10, 18(a), 28(b), 38 and 45(b) of Schedule 1 to this Act.
- (6) Nothing in this section shall authorise the making of an order with respect to a tribunal having jurisdiction only over matters with respect to which the Parliament of Northern Ireland has power to make laws.

Textual Amendments

- F43** Words substituted by [S.I. 1972/2002, art. 3\(3\)\(c\)](#)

Modifications etc. (not altering text)

- C23** Reference to matters with respect to which the Parliament of Northern Ireland has power to make laws to be construed as a reference to matters with respect to which that Parliament would have had power to make laws if the [Northern Ireland Constitution Act 1973 \(c. 36\)](#) had not been passed *ibid.*, s. 40(2)

16 Rules and orders.

- (1) Any power of the Lord Chancellor and [^{F44}the Lord Advocate] or either of them to make rules or orders under this Act shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

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- (2) Any power of those Ministers to make orders under any section of this Act includes power to vary or revoke any order under that section by a subsequent order but any such subsequent order under section 12(6) of this Act shall be made only after consultation with the Council.

Textual Amendments

F44 Words substituted by [S.I. 1972/2002](#), [art. 3\(3\)\(c\)](#)

17 Transitory provisions.

Schedule 2 to this Act shall have effect with respect to the matters there dealt with, being matters connected with the coming into force of the ^{M13}Tribunals and Inquiries Act 1958 and the ^{M14}Tribunals and Inquiries Act 1966.

Marginal Citations

M13 1958 c. 66.

M14 1966 c. 43.

18 Consequential amendments, repeals and savings.

- (1) The enactments specified in Schedule 3 to this Act shall have effect subject to the amendments there specified, being amendments consequential on this Act.
- (2) The enactments specified in Part I of Schedule 4 to this Act are hereby repealed to the extent specified in the third column of that Part ; and the orders specified in Part II of that Schedule are hereby revoked.
- (3) Any appointment, designation, determination, rule or order made, any approval or consent given and any other thing done under or for the purposes of any provision repealed or revoked by this Act shall, if in force immediately before the commencement of this Act, have effect as if made, given or done under or for the purposes of the corresponding enactment in this Act; and any proceedings or other thing begun under or by virtue of any provision so repealed or revoked may be continued under this Act as if begun thereunder.
- (4) So much of any document as refers expressly or by implication to any provision repealed or revoked by this Act shall, if and so far as the nature of the subject-matter of the document permits, be construed as referring to this Act or the corresponding enactment therein as the case may require.
- (5) Nothing in this section shall be taken to prejudice the general application of [^{F45}sections 16(1) and 17(2)(a) of the ^{M15}Interpretation Act 1978] with regard to the effect of repeals.

Textual Amendments

F45 Words substituted by virtue of [Interpretation Act 1978 \(c. 30\)](#), [s. 25\(2\)](#)

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Modifications etc. (not altering text)

- C24** The text of s. 18(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.
- C25** The text of s. 18(2) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M15** 1978 c. 30.

19 Interpretation.

- (1) In this Act, except where the context otherwise requires—
- “the Council” means the Council on Tribunals;
 - “Minister” includes any Board presided over by a Minister;
 - “the Scottish Committee” means the Scottish Committee of the Council on Tribunals;
 - “statutory inquiry” means—
 - (a) an inquiry or hearing held or to be held in pursuance of a duty imposed by any statutory provision; or
 - (b) an inquiry or hearing, or an inquiry or hearing of a class, designated for the purposes of this section by an order under subsection (2) of this section;
 - “statutory provision” means a provision contained in, or having effect under, any enactment.
- (2) The Lord Chancellor and [^{F46}the Lord Advocate] may by order designate for the purposes of this section any inquiry or hearing held or to be held in pursuance of a power conferred by any statutory provision specified or described in the order, or any class of such inquiries or hearings.
- (3) References in this Act to members of tribunals include references to the person constituting a tribunal consisting of one person.
- (4) References in this Act to the working or a decision of, or procedural rules for, any such tribunals as are specified in paragraph 17, 22, 29(a), (b) or (c), 30, 35, 41 or 46 [^{F47}or the Data Protection Registrar referred to in paragraph 5A], [^{F48}or the Director General of Fair Trading referred to in paragraph [^{F49}6A]] or the Controller of Plant Variety Rights referred to in paragraph 25(a), of Schedule 1 to this Act do not include references to their working, decisions or procedure in the exercise of executive functions.

Textual Amendments

- F46** Words substituted by S.I. 1972/2002, art. 3(3)(c)
- F47** Words inserted by Data Protection Act 1984 (c. 35, SIF 106:1), s. 3(6), Sch. 2 para. 13 (b)
- F48** Words inserted by Consumer Credit Act 1974 (c. 39), s. 3(b)
- F49** Words substituted by Estate Agents Act 1979 (c. 38), ss. 24(1)(a), 36(2)

Modifications etc. (not altering text)

- C26** By S.I. 1984/1247, art. 4 it is provided that s. 19(4) shall have effect as if for the words “References in this Act to the working or a decision of, or procedural rules for,” there were substituted the

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words “References in this Act to the working or a decision of, or procedural rules for, the Foreign
Compensation Commission or”

20 Short title, commencement and extent.

- (1) This Act may be cited as the Tribunals and Inquiries Act 1971.
- (2) This Act shall come into force at the expiration of the period of one month beginning with the day on which it is passed.
- (3) It is hereby declared that this Act extends to Northern Ireland.

Status:

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