



# Tribunals and Inquiries Act 1992

## 1992 CHAPTER 53

### *The Council on Tribunals and their functions*

#### **1 The Council on Tribunals.**

- (1) There shall continue to be a council entitled the Council on Tribunals (in this Act referred to as “the Council”)—
- (a) to keep under review the constitution and working of the tribunals specified in Schedule 1 (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, or any such tribunal; and
  - (c) to consider and report on such matters as may be referred to the Council under this Act, 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 authorises or requires the Council to deal with any matter with respect to which the Parliament of Northern Ireland had power to make laws.

#### **Modifications etc. (not altering text)**

- C1** S. 1(1)(c) extended (S.) (27.5.1997) by 1997 c. 8, ss. 10(8), 278(2) (with s. 20)
- C2** S. 1(1)(c) modified (6.8.2004 for specified purposes and 28.9.2004 otherwise for E.) by Planning and Compulsory Purchase Act 2004; (c. 5), {ss. 8(7)}, 121 (with ss. 111, 119, Sch. 8); S.I. 2004/2097, art. 2; S.I. 2004/2202, art. 2(a) (with art. 4)

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## 2 Composition of the Council and the Scottish Committee.

- (1) Subject to subsection (3), the Council shall consist of not more than fifteen nor less than ten members appointed by the Lord Chancellor and the [<sup>F1</sup>Scottish Ministers], 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), shall consist of—
  - (a) either two or three members of the Council designated by the [<sup>F1</sup>Scottish Ministers], and
  - (b) either three or four persons, not being members of the Council, appointed by the [<sup>F1</sup>Scottish Ministers];
 and the [<sup>F1</sup>Scottish Ministers] 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 under subsection (1) or (2), 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 in s. 2(1)(2) 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**

### Modifications etc. (not altering text)

**C3** S. 2(3) extended (1.7.1999) by S.I. 1999/1351, **arts. 1, 17(4)**; S.I. 1998/3178, **art. 3**

## 3 Tenure of office, remuneration and expenses.

- (1) Persons appointed under section 2 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—
  - (a) to the chairman of the Council and the chairman of the Scottish Committee such salaries as may be determined by the Treasury, and
  - (b) to the other members of the Council and of the Scottish Committee such fees (if any) as may be so determined.
- (3) The salaries and fees payable under subsection (2), together with such expenses of the Council and of the Scottish Committee (including subsistence allowances for and travelling expenses of their members) as may be approved by the Treasury shall be defrayed out of money 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 the [<sup>F2</sup>Scottish Ministers].

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- (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 the [<sup>F2</sup>Scottish Ministers]; and the report of the Council on a reference so made shall be made to the Minister [<sup>F3</sup>or Ministers] making the reference.
- (3) The Council shall not make a report on any such tribunal as is specified in Part II of Schedule 1 or on any matter referred to the Council by the [<sup>F2</sup>Scottish Ministers] until the Council—
- (a) have referred the matter of the report for consideration, and report to the Council, by the Scottish Committee, and
  - (b) 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), then—
- (a) if the matter relates only to England and Wales, subsection (2) 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) shall apply as if the matter had been referred to them by the [<sup>F2</sup>Scottish Ministers].
- (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 or with respect to any matter falling within section 1(1)(c) and relating only to Scotland.
- (6) If the Council—
- (a) 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
  - (b) 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 the [<sup>F2</sup>Scottish Ministers].
- (7) The Council shall make an annual report to the Lord Chancellor and the [<sup>F2</sup>Scottish Ministers] on their proceedings and those of the Scottish Committee, and [<sup>F4</sup>(a) the Lord Chancellor] shall lay the report before Parliament [<sup>F5</sup>, and (b) the Scottish Ministers shall lay the report before the Scottish Parliament,] with such comments (if any) as [<sup>F6</sup>he or] they think fit.

#### Textual Amendments

- F2** Words in s. 4(1)-(4)(6)(7) 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**
- F3** Words in s. 4(2) inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 9 Pt. II para. 2(3)(a)**; S.I. 1998/3178, **art. 3**
- F4** Words in s. 4(7) substituted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 9 Pt. II para. 2(3)(b)(i)**; S.I. 1998/3178, **art. 3**
- F5** Words in s. 4(7) inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 9 Pt. II para. 2(3)(b)(ii)**; S.I. 1998/3178, **art. 3**
- F6** Words in s. 4(7) inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 9 Pt. II para. 2(3)(b)(iii)**; S.I. 1998/3178, **art. 3**

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### *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,

the Scottish Committee may submit its report or proposals to the [<sup>F7</sup>Scottish Ministers].

#### **Textual Amendments**

**F7** 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.**

- (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

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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 [<sup>F8</sup>paragraph 7(b) or 38(a)] of Schedule 1.
- [<sup>F9</sup>(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 <sup>M1</sup>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.
- (9) In relation to any of the tribunals referred to in 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.

#### Textual Amendments

- F8** 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.**
- F9** 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.**

#### 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, other than the Lord Chancellor, 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—
- (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;

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- (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;
  - (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 tribunal specified in paragraph 3, 4, 12, 14 [F10 15(f)], 17, 18, [F11 21A,] 26, 33(a), [F12 33AA]. . . 34, 35 F13. . . (e) [F14 (g) or (h)], 36(a) [F15 36A][F16 (a) or (b)], 39(b), 40, [F17 48 or 56(a)][F18 or 57A] of Schedule 1.
- (3) For the purposes of this section in its application to any tribunal specified in paragraph 22(a) of Schedule 1, an adjudicator who has sat only in England and Wales, 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, which sits only in Scotland or which sits only in Northern Ireland, as the case may be.

#### Textual Amendments

- F10** 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**
- F11** Words in s. 7(2) inserted (E.W.S.) (1.2.1994) by S.I. 1993/3258, **art. 2(a)**
- F12** 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)**
- F13** 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**
- F14** 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**
- F15** 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)**
- F16** Words in s. 7(2) inserted (1.4.1998) by 1997 c. 50, s. 134(1), **Sch. 9 para. 69(1)**; S.I. 1998/354, **art. 2(1)(2)(bb)**
- F17** 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**
- F18** 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.**

## 8 Procedural rules for tribunals.

- (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.
- (2) The power of the Treasury to make—
- (a) regulations under section 48(3) of the <sup>M2</sup>Building Societies Act 1986 (regulations with respect to appeals to the tribunal established under section 47 of that Act), or
  - (b) regulations under section 30 of the <sup>M3</sup>Banking Act 1987 (regulations with respect to appeals under Part I of that Act) [F19 or F19(c) regulations under section 60 of the Friendly Societies Act 1992 (regulations with respect to appeals under section 58 of that Act),]

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shall be exercisable only after consultation with the Council.

- (3) The Council shall consult the Scottish Committee in relation to the exercise of their functions under this section—
- (a) with respect to any tribunal specified in Part II of Schedule 1, or
  - (b) with respect to any regulations under section 30 of the Banking Act 1987 [<sup>F20</sup>or section 60 of the Friendly Societies Act 1992] which (by virtue of subsection (4) of [<sup>F21</sup>either of those sections]) are made by the Lord Advocate.
- (4) In this section “procedural rules” includes any statutory provision relating to the procedure of the tribunal in question.

#### Textual Amendments

- F19** S. 8(2)(c) and 'or' preceding it inserted (E.W.S.) (1.2.1994) by S.I. 1993/3258, art. 2(b).  
**F20** Words in s. 8(3) inserted (E.W.S.) (1.2.1994) by S.I. 1993/3258, art. 3(c)(i).  
**F21** Words in s. 8(3) substituted (E.W.S.) (1.2.1994) by S.I. 1993/3258, art. 3(c)(ii).

#### Marginal Citations

- M2** 1986 c. 53.  
**M3** 1987 c. 22.

## 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.
- (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.

#### Modifications etc. (not altering text)

- C4** 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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*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
  - <sup>F22</sup>(c) .....
  - [<sup>F23</sup>(ba) to decisions of the Pensions Compensation Board referred to in paragraph 35(h) 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 <sup>F24</sup> . . . 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 <sup>F24</sup> . . . 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 <sup>F24</sup> . . . 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.



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### Textual Amendments

- F22** S. 10(5)(c) repealed (6.4.1997) by 1995 c. 26, ss. 151, 177, Sch. 5 para. 16(3), **Sch. 7 Pt. III**
- F23** S. 10(5)(ba) added (6.4.1997) by 1995 c. 26, s. 122, **Sch. 3 para. 21(b)**; S.I. 1997/664, art. 2(3), **Sch. Pt. II**
- F24** Words in s. 10(7)(8) omitted (1.7.1999) by virtue of S.I. 1999/1750, arts. 1, 6(1), **Sch. 5 para. 11**; S.I. 1998/3178, **art. 3**

### Modifications etc. (not altering text)

- C5** S. 10(7)(8): 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**

## 11 Appeals from certain tribunals.

- (1) Subject to subsection (2), if any party to proceedings before any tribunal specified in paragraph 8, [F<sup>25</sup>15(a), (d) or (e)], 16, 18, 24, 26, 31, 33(b), 37 [F<sup>26</sup>, 40A], 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) [F<sup>27</sup>This section] shall not apply in relation to proceedings before [F<sup>28</sup>employment tribunals] which arise under or by virtue of any of the enactments mentioned in [F<sup>29</sup>section 21(1) of [F<sup>28</sup>the Employment Tribunals Act 1996]].
- (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 <sup>M4</sup>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 <sup>M5</sup>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.

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- (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 <sup>M6</sup>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 <sup>M7</sup>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 <sup>M8</sup>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

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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.

#### Textual Amendments

- F25** Words in s. 11(1) substituted (1.1.1994) by 1993 c. 35, s. 181(2); S.I. 1993/3106, art. 4, Sch. 1 (and that substitution continued (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), Sch. 37 para. 118(2) (with s. 1(4), Sch. 39 paras. 30, 39))
- F26** Word in s. 11(1) inserted (17.12.1992) by Sea Fish (Conservation) Act 1992 (c. 60), s. 9(2) (with s. 11(4)).
- F27** Words in s. 11(2) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, Sch. 1 para. 57
- F28** Words in s. 11(2) substituted (1.8.1998) by 1998 c. 8, ss. 1(2)(b)(c), 16(3)(c); S.I. 1998/1658, art. 2(1), Sch. 1
- F29** Words in s. 11(2) substituted (22.8.1996) by 1996 c. 17, ss. 43, 46, Sch. 1 para. 9(2) (with s. 38)

#### Modifications etc. (not altering text)

- C6** S. 11 excluded (E.W.S.) (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 291(3), 302.  
S. 11: power to modify conferred (1.9.1994) by 1994 c. 23, ss. 86(2), 101(1) (with Sch. 13 para. 9)  
S. 11 excluded (E.W.S.) (3.1.1995) by 1973 c. 35, s. 3D(2) (as inserted (3.1.1995) by 1994 c. 40, s. 35, Sch. 10 para. 1(3); 1994/3188, art. 3(p))  
S. 11 excluded (1.10.1994) by S.I. 1994/1978, art. 2  
S. 11 extended (8.5.1998) by 1997 c. 66, ss. 45, 46; S.I. 1998/1028, art. 2
- C7** S. 11(1)(3)-(5)(10) extended (with modifications) (I.O.M.) (1.1.1993) by S.I. 1992/3205, art. 2

#### Marginal Citations

- M4** 1981 c. 54.  
**M5** 1974 c. 39.  
**M6** 1949 c. 42.  
**M7** 1974 c. 39.  
**M8** 1978 C. 23.

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

- (1) As respects England and Wales—
- 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.
- (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

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(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.

#### *Supplementary provisions*

### **13 Power to apply Act to additional tribunals and to repeal or amend certain provisions.**

- (1) The Lord Chancellor <sup>F30</sup> . . . may by order amend Part I or Part II of Schedule 1 by adding to that Part any such tribunals, other than any of the ordinary courts of law, as may be provided by the order.
- (2) The Lord Chancellor <sup>F30</sup> . . . may by order make provision, as respects any tribunal for the time being specified in Schedule 1, not being a tribunal mentioned in section 6, for amending that section so as to apply 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 <sup>F30</sup> . . . may by order amend section 11 so as to apply that section to any tribunal for the time being specified in Schedule 1.
- (4) Any order under subsection (1), (2) or (3) 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 <sup>F30</sup> . . . may by order—
  - (a) repeal or amend section 7(3) of this Act or any of paragraphs 5, 6, 9, 13, 16, 20, 22, 23, 24, 29, 30, 32, 35(a) <sup>F31</sup> . . . , 37, 39(c), 43, 44, 47, 49, 51, 54, 55, 56(d), 57(a), 58, 59 and 63 of Schedule 1;
  - <sup>F32</sup>(b) repeal the reference in section 6 to paragraph 43 of Schedule 1;
  - (c) repeal the reference in section 8(1) to the Foreign Compensation Commission and the reference in section 14(1) to paragraph 20 of Schedule 1;
  - (d) repeal the references in section 11 to any of paragraphs 16, 24, 37, 44, 51, 59 and 63 of Schedule 1; and
  - (e) repeal the references in paragraphs 21 and 53 of Schedule 1 to sections 16, 17B and 25 of the <sup>M9</sup>Forestry Act 1967.
- (6) Nothing in this section authorises the making of an order with respect to a tribunal having jurisdiction only over matters with respect to which the Parliament of Northern Ireland had power to make laws.

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#### Textual Amendments

- F30** Words in s. 13(1)(2)(3)(5) omitted (1.7.1999) by virtue of S.I. 1999/1750, arts. 1, 6(1), **Sch. 5 para. 11** (with art. 7); S.I. 1998/3178, **art. 3**
- F31** Words in s. 13(5)(a) repealed (6.4.1997) by 1995 c. 26, ss. 151, 177, Sch. 5 para. 16(4), **Sch. 7 Pt. III**; S.I. 1997/664, art. 2(3), **Sch. Pt. II**
- F32** S. 13(5)(b) repealed (29.11.1999 for specified purposes otherwise *prosp.*) by 1998 c. 14, ss. 86(1)(2), 87(2), Sch. 7 para. 120(b), **Sch. 8**; S.I. 1999/3178, art. 2(1)(2), **Sch. 1**

#### Modifications etc. (not altering text)

- C8** S. 13: 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**

#### Marginal Citations

- M9** 1967 c. 10.

### 14 Restricted application of Act in relation to certain tribunals.

- (1) References in this Act to the working or a decision of, or procedural rules for,—
- (a) any tribunals specified in paragraph 14(a), 20, 33, 34, 39(a) or (b), 40, 48, 56 or 60 of Schedule 1,
  - (b) the Director General of Fair Trading referred to in paragraph 17 of Schedule 1, or
  - (c) the Controller of Plant Variety Rights referred to in paragraph 36(a) of Schedule 1,
- do not include references to their working, decisions or procedure in the exercise of executive functions.

[<sup>F33</sup>(1A) In this Act—

- (a) references to the working of the Occupational Pensions Regulatory Authority referred to in paragraph 35(g) of Schedule 1 are references to their working so far as relating to matters dealt with by them by means of a formal hearing or on review, and
- (b) references to procedural rules for the Authority are references to regulations under—
  - (i) section 96(5) of the Pensions Act 1995 (procedure to be adopted with respect to reviews), or
  - (ii) paragraph 13 of Schedule 1 to that Act (procedure of the Authority), so far as the regulations relate to procedure on any formal hearing by the Authority.]

(2) .....

- (3) For the purposes of this Act, the functions of the Civil Aviation Authority referred to in paragraph 3 of Schedule 1 are to be taken to be confined to those prescribed for the purposes of section 7(2) of the <sup>M10</sup>Civil Aviation Act 1982.

#### Textual Amendments

- F33** S. 14(1A) inserted (6.4.1997) by 1995 c. 26, s. 122, **Sch. 3 para. 21(c)**; S.I. 1997/664, art. 2(3), **Sch. Pt. II**

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### Marginal Citations

M10 1982 c. 16.

## 15 Rules and orders.

Any power of the Lord Chancellor and 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.

## 16 Interpretation.

- (1) In this Act, except where the context otherwise requires—
- “decision”, “procedural rules” and “working”, in relation to a tribunal, shall be construed subject to section 14,
  - “Council” means the Council on Tribunals,
  - “Minister” includes [<sup>F34</sup>the National Assembly for Wales and] any Board presided over by a Minister,
  - “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), and
  - “statutory provision” means a provision contained in, or having effect under, any enactment.
- (2) The Lord Chancellor <sup>F35</sup>. . . 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.

### Textual Amendments

**F34** S. 16(1): words in the definition of “Minister” inserted (1.4.1999) by 1998 c. 38, s. 125, **Sch. 12 para. 33** (with ss. 139(2), 143(2)); S.I. 1999/782, **art. 2**

**F35** Words in s. 16(2) omitted (1.7.1999) by S.I. 1999/1750, arts. 1, 6(1), **Sch. 5 para. 11**; S.I. 1998/3178, **art. 3**

### Modifications etc. (not altering text)

**C9** S. 16(2): 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**

## 17 Transitory provisions.

The transitory provisions in Schedule 2 to this Act shall have effect.

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## **18 Consequential amendments, repeals and saving.**

- (1) The enactments specified in Schedule 3 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 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) Notwithstanding the repeal by this Act of Schedule 3 to the <sup>M11</sup>Tribunals and Inquiries Act 1971, section 3(12)(a) of the <sup>M12</sup>Lands Tribunal Act 1949 shall continue to have effect with the substitution for paragraph (a) of the following paragraph—
  - “(a) Subsection (4) of this section shall not apply;”.

### **Marginal Citations**

**M11** 1971 c. 62.

**M12** 1949 c. 42

## **19 Short title, commencement and extent.**

- (1) This Act may be cited as the Tribunals and Inquiries Act 1992.
- (2) This Act shall come into force on 1st October 1992.
- (3) This Act extends to Northern Ireland.

**Status:**

Point in time view as at 01/03/2000.

**Changes to legislation:**

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