



Tribunals and Inquiries Act 1992

1992 CHAPTER 53

Composition and procedure of tribunals and inquiries

5 Recommendations of Council as to appointment of members of tribunals

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

the Scottish Committee may submit its report or proposals to the Lord Advocate.

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 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 paragraph 7, 38(a), 41(a), (b), (c) or (e) or 43 of Schedule 1.
- (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 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.

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;

- (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, 17, 18, 26, 33(a), 34, 35(d) or (e), 36(a), 39(b), 40, 43, 48 or 56(a) 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.

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 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 Banking Act 1987 (regulations with respect to appeals under Part I of that Act),
- 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 which (by virtue of subsection (4) of that section) 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.

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.

Status: This is the original version (as it was originally enacted).

- (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.