



# Tribunals and Inquiries Act 1992

## 1992 CHAPTER 53

### *Judicial control of tribunals etc.*

#### **10 Reasons to be given for decisions of tribunals and Ministers.**

- (1) Subject to the provisions of this section and of section 14, where—
    - (a) any tribunal specified in Schedule 1 gives any decision, or
    - (b) any Minister notifies any decision taken by him—
      - (i) after a statutory inquiry has been held by him or on his behalf, or
      - (ii) in a case in which a person concerned could (whether by objecting or otherwise) have required a statutory inquiry to be so held,it shall be the duty of the tribunal or Minister to furnish a statement, either written or oral, of the reasons for the decision if requested, on or before the giving or notification of the decision, to state the reasons.
  - (2) The statement referred to in subsection (1) may be refused, or the specification of the reasons restricted, on grounds of national security.
  - (3) A tribunal or Minister may refuse to furnish a statement under subsection (1) to a person not primarily concerned with the decision if of the opinion that to furnish it would be contrary to the interests of any person primarily concerned.
  - (4) Subsection (1) does not apply to any decision taken by a Minister after the holding by him or on his behalf of an inquiry or hearing which is a statutory inquiry by virtue only of an order made under section 16(2) unless the order contains a direction that this section is to apply in relation to any inquiry or hearing to which the order applies.
  - (5) Subsection (1) does not apply—
    - (a) to decisions in respect of which any statutory provision has effect, apart from this section, as to the giving of reasons,
    - (b) to decisions of a Minister in connection with the preparation, making, approval, confirmation, or concurrence in regulations, rules or byelaws, or orders or schemes of a legislative and not executive character,<sup>F1</sup> . . .
- <sup>F1</sup>(ba) .....

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<sup>F2</sup>(c) .....

- (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 <sup>F3</sup> . . . it appears to the Lord Chancellor <sup>F4</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>F4</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>F4</sup> . . . may, by a subsequent order <sup>F5</sup> . . . , revoke or vary the earlier order so that subsection (1) applies to any of those decisions.
- [<sup>F6</sup>(9) In relation to—
- (a) any tribunal specified in Schedule 1 which sits in Northern Ireland, and
  - (b) statutory inquiries held in Northern Ireland,
- the power to make an order under subsection (7) or (8) is exercisable by the Department of Justice in Northern Ireland (and not by any Minister of the Crown) so far as the power may be used to make Northern Ireland devolved provision; and those subsections are to be read accordingly.]

#### Textual Amendments

- F1** S. 10(5)(ba) and preceding word repealed (1.9.2005) by [Pensions Act 2004 \(c. 35\)](#), ss. 320, 322(1), [Sch. 13 Pt. 1](#) ; [S.I. 2005/1720](#), art. 2(16), [Sch. Pt. 3](#) (with art. 4 (as amended by [S.I. 2009/1583](#), art. 2))
- F2** S. 10(5)(c) repealed (6.4.1997) by [1995 c. 26](#), ss. 151, 177, [Sch. 5 para. 16\(3\)](#), [Sch. 7 Pt. III](#)
- F3** Words in s. 10(7) omitted (19.9.2013) by virtue of [The Public Bodies \(Abolition of Administrative Justice and Tribunals Council\) Order 2013 \(S.I. 2013/2042\)](#), art. 1(2), [Sch. para. 12\(a\)](#)
- F4** 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](#)
- F5** Words in s. 10(8) omitted (19.9.2013) by virtue of [The Public Bodies \(Abolition of Administrative Justice and Tribunals Council\) Order 2013 \(S.I. 2013/2042\)](#), art. 1(2), [Sch. para. 12\(b\)](#)
- F6** S. 10(9) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), arts. 1(2), 15(5), [Sch. 18 para. 48\(3\)](#) (with arts. 28-31); [S.I. 2010/977](#), art. 1(2)

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

- C1** 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, [<sup>F7</sup>15(a) or (d)], 16, <sup>F8</sup> . . . , 24, 26, 31, 33(b) <sup>F9</sup> . . . [<sup>F10</sup>, 40A] . . . <sup>F11</sup> . . . or 45 of Schedule 1 is dissatisfied in point of law with a decision of the tribunal he may,

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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) <sup>F12</sup>This section] shall not apply in relation to—
- <sup>F13</sup>(a) proceedings before <sup>F14</sup>employment tribunals] which arise under or by virtue of any of the enactments mentioned in section <sup>F15</sup>21(1) of <sup>F14</sup>the Employment Tribunals Act 1996]]<sup>F16</sup>; or
  - (b) proceedings under section 20 of the Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5) (reallotment of real burden).]
- (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>M1</sup><sup>F17</sup>Senior Courts 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) <sup>F18</sup>.....
- (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, <sup>F19</sup>... 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);

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- (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>M2</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 [<sup>F20</sup>Supreme Court], 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 [<sup>F20</sup>Supreme Court] may determine.
- (8) In relation to any proceedings in Northern Ireland of any of the tribunals referred to in subsection (1) <sup>F21</sup> . . . 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>M3</sup>Judicature (Northern Ireland) Act 1978 providing ”, and for “section 16 of the [<sup>F17</sup>Senior Courts Act 1981]” there shall be substituted “ section 35 of the Judicature (Northern Ireland) Act 1978 ”;
  - (b) in subsection (4), for “the power to make rules of court shall include power to make rules” there shall be substituted “ rules may be made under section 55 of the Judicature (Northern Ireland) Act 1978 ”;
  - (c) at the beginning of subsection (5), there shall be inserted “ Rules made under section 55 of the Judicature (Northern Ireland) Act 1978, relating to such proceedings as are mentioned in subsection (4), shall provide that the appeal shall be heard, or as the case may be, the decision of the High Court shall be given, by a single judge, but ”.
- (9) Her Majesty may by Order in Council direct that all or any of the provisions of this section, so far as it relates to proceedings in the Isle of Man or any of the Channel Islands of the tribunal specified in paragraph 45 of Schedule 1, shall extend to the Isle of Man or to any of the Channel Islands subject to such modifications as may be specified in the Order.
- (10) In this section “decision” includes any direction or order, and references to the giving of a decision shall be construed accordingly.

#### Textual Amendments

- F7** Words in s. 11(1) substituted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 42(1), **Sch. 8 para. 20(a)** (with s. 43(13)); S.I. 2002/2217, art. 3, **Sch. 1 Pt. 1**
- F8** Word in s. 11(1) repealed (1.12.2001) by S.I. 2001/3649, **arts. 1, 336**
- F9** Word in s. 11(1) omitted (1.7.2013) by virtue of The Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036), art. 1, **Sch. 1 para. 97** (with Sch. 3)
- F10** Words in s. 11(1) inserted (17.12.1992) by Sea Fish (Conservation) Act 1992 (c. 60), **s. 9(2)** (with s. 11(4)).
- F11** Words ", 44" in s. 11(1) omitted (1.6.2009) by virtue of The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 5(1)(2), **Sch. 1 para. 245** (with Sch. 5)
- F12** Words in s. 11(2) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, **Sch. 1 para. 57**
- F13** Words in s. 11(2) re-numbered as s. 11(2)(a) (S.) (1.11.2003) by virtue of 2000 asp 5, ss. 22(a), 77 (with ss. 58, 62, 75); S.S.I. 2003/455, **art. 2**
- F14** 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**
- F15** Words in s. 11(2) substituted (22.8.1996) by 1996 c. 17, ss. 43, 46, **Sch. 1 para. 9(2)** (with s. 38)
- F16** S. 11(2)(b) and preceding word inserted (S.) (1.11.2003) by 2000 asp 5, ss. 22(b), 77 (with ss. 58, 62, 75); S.S.I. 2003/455, **art. 2**

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- F17** Words in s. 11(3)(8) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 59, 148, **Sch. 11 para. 1(2)**; S.I. 2009/1604, **art. 2(d)**
- F18** S. 11(6) repealed (6.4.2008) by Consumer Credit Act 2006 (c. 14), ss. 70, 71, **Sch. 4** (with Sch. 3 para. 27(2)); S.I. 2007/3300, **art. 3(2)**, Sch. 2
- F19** Words in s. 11(7)(a) repealed (6.4.2008) by Consumer Credit Act 2006 (c. 14), ss. 70, 71, **Sch. 4** (with Sch. 3 para. 27(2)); S.I. 2007/3300, **art. 3(2)**, Sch. 2
- F20** Words in s. 11(7)(d) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 40(4), 148(1), **Sch. 9 para. 59**; S.I. 2009/1604, **art. 2(d)**
- F21** Words in s. 11(8) repealed (6.4.2008) by Consumer Credit Act 2006 (c. 14), ss. 70, 71, **Sch. 4** (with Sch. 3 para. 27(2)); S.I. 2007/3300, **art. 3(2)**, Sch. 2

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

- C2** 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**
- C3** S. 11(1)(3)-(5)(10) extended (with modifications) (I.O.M.) (1.1.1993) by S.I. 1992/3205, **art. 2**
- C4** S. 11(1) excluded (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 175(8), 181(1); S.I. 2003/1986, **art. 2(c)(i)** (with Sch. 2); S.I. 2004/669, **art. 2(c)(i)** (with Sch. 2 para. 13)
- C5** S. 11(1) excluded (4.7.2005 for E. and 16.6.2006 for W.) by Housing Act 2004 (c. 34), **ss. 231(4)**, 270; S.I. 2005/1729, **art. 2(a)** (subject to art. 3); S.I. 2006/1535, **art. 2(a)** (with art. 3, Sch.)
- C6** S. 11(1) excluded (6.4.2006) by The Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246), **regs. 16(2)**, 21(1) (with reg. 21(2)-(5))
- C7** S. 11(1) excluded (N.I.) (6.4.2006) by The Service Provision Change (Protection of Employment) Regulations (Northern Ireland) 2006 (S.R. 2006/177), **regs. 16(2)**, 21(1) (with reg. 21(2)(3))

#### Marginal Citations

- M1** 1981 c. 54.  
**M2** 1949 c. 42.  
**M3** 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
  - 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

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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.

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