



# Tribunals, Courts and Enforcement Act 2007

## 2007 CHAPTER 15

### PART 1

#### TRIBUNALS AND INQUIRIES

### CHAPTER 6

#### SUPPLEMENTARY

#### **46 Delegation of functions by Lord Chief Justice etc.**

- (1) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise any of his functions under the provisions listed in subsection (2).
- (2) The provisions are—
  - paragraphs 3(4) and 6(3)(a) of Schedule 2;
  - paragraphs 3(4) and 6(3)(a) of Schedule 3;
  - paragraphs 2(2) and 5(5) of Schedule 4;
  - paragraphs 21(2), 22, 24 and 25(2)(a) of Schedule 5.
- (3) The Lord President of the Court of Session may nominate any of the following to exercise any of his functions under the provisions listed in subsection (4)—
  - (a) a judge who is a member of the First or Second Division of the Inner House of the Court of Session;
  - (b) the Senior President of Tribunals.
- (4) The provisions are—
  - paragraphs 3(2) and 6(3)(b) of Schedule 2;
  - paragraphs 3(2) and 6(3)(b) of Schedule 3;

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paragraphs 2(3) and 5(6) of Schedule 4;  
paragraphs 23, 24, 25(2)(b) and (c) and 28(1)(b) of Schedule 5.

(5) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise any of his functions under the provisions listed in subsection (6)—

- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002 (c. 26);
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act);
- (c) the Senior President of Tribunals.

(6) The provisions are—

paragraphs 3(3) and 6(3)(c) of Schedule 2;  
paragraphs 3(3) and 6(3)(c) of Schedule 3;  
paragraphs 2(4) and 5(7) of Schedule 4;  
paragraphs 24 and 25(2)(c) of Schedule 5.

[<sup>F1</sup>(7) In Schedules 2 to 4 “senior judge” means—

- (a) the Lord Chief Justice of England and Wales,
- (b) the Lord President of the Court of Session,
- (c) the Lord Chief Justice of Northern Ireland, or
- (d) the Senior President of Tribunals.]

#### Textual Amendments

**F1** S. 46(7) inserted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 44\(3\)](#); [S.I. 2013/2200](#), [art. 3\(e\)](#) (with savings in [S.I. 2013/2192](#), regs. 48, 49)

#### Commencement Information

**II** S. 46 wholly in force at 3.11.2008; s. 46 not in force at Royal Assent see s. 148; s. 46 in force at 19.9.2007 by [S.I. 2007/2709](#), [art. 2\(b\)](#); s. 46 in force at 3.11.2008 otherwise by [S.I. 2008/2696](#), [art. 5\(b\)](#)

## 47 Co-operation in relation to judicial training, guidance and welfare

(1) Persons with responsibilities in connection with a courts-related activity, and persons with responsibilities in connection with the corresponding tribunals activity, must co-operate with each other in relation to the carrying-on of those activities.

(2) In this section “courts-related activity” and “corresponding tribunals activity” are to be read as follows—

- (a) making arrangements for training of judiciary of a territory is a courts-related activity, and the corresponding tribunals activity is making arrangements for training of tribunal members;
- (b) making arrangements for guidance of judiciary of a territory is a courts-related activity, and the corresponding tribunals activity is making arrangements for guidance of tribunal members;
- (c) making arrangements for the welfare of judiciary of a territory is a courts-related activity, and the corresponding tribunals activity is making arrangements for the welfare of tribunal members.

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- (3) Subsection (1) applies to a person who has responsibilities in connection with a courts-related activity only if—
- (a) the person is the chief justice of the territory concerned, or
  - (b) what the person does in discharging those responsibilities is done (directly or indirectly) on behalf of the chief justice of that territory.
- (4) Subsection (1) applies to a person who has responsibilities in connection with a corresponding tribunals activity only if—
- (a) the person is the Senior President of Tribunals [<sup>F2</sup>or the President of Welsh Tribunals], or
  - (b) what the person does in discharging those responsibilities is done (directly or indirectly) on behalf of the Senior President of Tribunals [<sup>F3</sup>or the President of Welsh Tribunals].
- (5) For the purposes of this section—
- (a) “territory” means—
    - (i) England and Wales,
    - (ii) Scotland, or
    - (iii) Northern Ireland;
  - (b) the “chief justice”—
    - (i) of England and Wales is the Lord Chief Justice of England and Wales,
    - (ii) of Scotland is the Lord President of the Court of Session, and
    - (iii) of Northern Ireland is the Lord Chief Justice of Northern Ireland;
  - (c) a person is a “tribunal member” if the person is—
    - (i) a judge, or other member, of the First-tier Tribunal or Upper Tribunal,
    - (ii) a judge, or other member, of the Employment Appeal Tribunal, [<sup>F4</sup> or]
    - (iii) a member of a panel of members of employment tribunals (whether or not a panel of [<sup>F5</sup>Employment Judges]), <sup>F6</sup> . . .
    - (iv) <sup>F6</sup> . . . . . [<sup>F7</sup> , or
    - (v) a judge, or other member, of a tribunal listed in section 59 of the Wales Act 2017 (the Welsh tribunals).]

#### Textual Amendments

- F2** Words in s. 47(4)(a) inserted (coming into force in accordance with reg. 2(1) of the commencing S.I.) by [Wales Act 2017 \(c. 4\), s. 71\(4\), Sch. 6 para. 68\(2\)](#) (with [Sch. 7 paras. 1, 6](#)); S.I. 2017/351, reg. 2(2) [Editorial note: S.I. 2017/1282 was made under 2017 c. 4, Sch. 5 para. 7(1) and comes into force on 12.12.2017]
- F3** Words in s. 47(4)(b) inserted (coming into force in accordance with reg. 2(1) of the commencing S.I.) by [Wales Act 2017 \(c. 4\), s. 71\(4\), Sch. 6 para. 68\(2\)](#) (with [Sch. 7 paras. 1, 6](#)); S.I. 2017/351, reg. 2(2) [Editorial note: S.I. 2017/1282 was made under 2017 c. 4, Sch. 5 para. 7(1) and comes into force on 12.12.2017]
- F4** Word in s. 47(5)(c)(ii) inserted (15.2.2010) by [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\), Sch. 1 para. 43\(a\)](#) (with [Sch. 4](#))
- F5** Words in s. 47(5)(c)(iii) substituted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 14 para. 13\(1\)](#); S.I. 2013/2200, art. 3(g)
- F6** S. 47(5)(c)(iv) and word omitted (15.2.2010) by virtue of [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\), Sch. 1 para. 43\(b\)](#) (with [Sch. 4](#))
- F7** S. 47(5)(c)(v) and word inserted (coming into force in accordance with reg. 2(1) of the commencing S.I.) by [Wales Act 2017 \(c. 4\), s. 71\(4\), Sch. 6 para. 68\(3\)\(b\)](#) (with [Sch. 7 paras. 1, 6](#)); S.I. 2017/351,

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reg. 2(2) [Editorial note: S.I. 2017/1282 was made under 2017 c. 4, Sch. 5 para. 7(1) and comes into force on 12.12.2017]

## 48 Consequential and other amendments, and transitional provisions

- (1) Schedule 8, which makes—
  - amendments consequential on provisions of this Part, and
  - other amendments in connection with tribunals and inquiries,
 has effect.
- (2) Schedule 9, which contains transitional provisions, has effect.

### Commencement Information

- I2** S. 48 partly in force; s. 48 not in force at Royal Assent see s. 148; s. 48(1) in force for certain purposes at 19.9.2007, 1.11.2007, 1.12.2007 and 1.6.2008 and s. 48(2) in force for certain further purposes at 19.9.2007 by [S.I. 2007/2709](#), [arts. 2\(c\)\(d\), 3\(b\), 4, 6\(b\)](#); s. 48(1) in force for certain further purposes at 21.7.2008 by [S.I. 2008/1653](#), [art. 2\(a\)](#) (with [arts. 3, 4](#)); s. 48(1)(2) in force at 3.8.2008 and at 1.4.2009 for certain further purposes by [S.I. 2008/2696](#), [arts. 5\(c\)\(d\), 6\(b\)](#)
- I3** S. 48(1) in force at 19.8.2013 for specified purposes by [S.I. 2013/2043](#), [art. 2](#)

## 49 Orders and regulations under Part 1: supplemental and procedural provisions

- (1) Power—
  - (a) of the Lord Chancellor to make an order, or regulations, under this Part,
  - (b) of the Senior President of Tribunals to make an order under section 7(9), or
  - (c) of the Scottish Ministers, or the Welsh Ministers, to make an order under paragraph 25(2) of Schedule 7,
 is exercisable by statutory instrument.
- (2) The Statutory Instruments Act 1946 (c. 36) shall apply in relation to the power to make orders conferred on the Senior President of Tribunals by section 7(9) as if the Senior President of Tribunals were a Minister of the Crown.
- (3) Any power mentioned in subsection (1) includes power to make different provision for different purposes.
- (4) Without prejudice to the generality of subsection (3), power to make an order under section 30 or 31 includes power to make different provision in relation to England, Scotland, Wales and Northern Ireland respectively.
- (5) <sup>F8</sup>No order mentioned in subsection (6) is to be made unless a draft of the statutory instrument containing it<sup>F8</sup>None of the orders or regulations mentioned in subsection (6) may be made unless a draft of the statutory instrument containing the order or regulations] (whether alone or with other provision) has been laid before, and approved by a resolution of, each House of Parliament.
- (6) <sup>F9</sup>Those orders<sup>F9</sup>The orders and regulations] are—
  - (a) an order under section 11(8), 13(6) or (14), 30, 31(1), 32, 33, 34, 35, 36, 37 or 42(3);
  - <sup>F10</sup>(aa) regulations under section 29D(4);

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- (b) an order under paragraph 15 of Schedule 4;
  - (c) an order under section 42(1)(a) to (d) that provides for fees to be payable in respect of things for which fees have never been payable;
  - (d) an order under section 31(2), (7) or (9), or paragraph 30(1) of Schedule 5, that contains provision taking the form of an amendment or repeal of an enactment comprised in an Act.
- (7) A statutory instrument that—
- (a) contains—
    - (i) an order mentioned in subsection (8), or
    - (ii) regulations under Part 3 of Schedule 9, and
  - (b) is not subject to any requirement that a draft of the instrument be laid before, and approved by a resolution of, each House of Parliament,
- is subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) Those orders are—
- (a) an order made by the Lord Chancellor under this Part;
  - (b) an order made by the Senior President of Tribunals under section 7(9).
- (9) A statutory instrument that contains an order made by the Scottish Ministers under paragraph 25(2) of Schedule 7 is subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (10) A statutory instrument that contains an order made by the Welsh Ministers under paragraph 25(2) of Schedule 7 is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

#### Textual Amendments

- F8** Words in s. 49(5) substituted (10.1.2020 for specified purposes, 6.4.2020 in so far as not already in force) by *Courts and Tribunals (Judiciary and Functions of Staff) Act 2018 (c. 33), s. 4(3), Sch. para. 42(2)*; S.I. 2020/24, regs. 2(b)(iv), 3(b)
- F9** Words in s. 49(6) substituted (10.1.2020 for specified purposes, 6.4.2020 in so far as not already in force) by *Courts and Tribunals (Judiciary and Functions of Staff) Act 2018 (c. 33), s. 4(3), Sch. para. 42(3)(a)*; S.I. 2020/24, regs. 2(b)(iv), 3(b)
- F10** S. 49(6)(aa) inserted (10.1.2020 for specified purposes, 6.4.2020 in so far as not already in force) by *Courts and Tribunals (Judiciary and Functions of Staff) Act 2018 (c. 33), s. 4(3), Sch. para. 42(3)(b)*; S.I. 2020/24, regs. 2(b)(iv), 3(b)

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