

2013 No. 2068

TRIBUNALS AND INQUIRIES

**The First-tier Tribunal and Upper Tribunal (Chambers)
(Amendment No. 2) Order 2013**

<i>Made</i> - - - -	<i>20th August 2013</i>
<i>Laid before Parliament</i>	<i>29th August 2013</i>
<i>Coming into force</i> - -	<i>1st November 2013</i>

The Lord Chancellor, with the concurrence of the Senior President of Tribunals, makes the following Order in exercise of the power conferred by section 7(9) of the Tribunals, Courts and Enforcement Act 2007(a).

Citation and commencement

1. This Order may be cited as the First-tier Tribunal and Upper Tribunal (Chambers) (Amendment No. 2) Order 2013 and comes into force on 1st November 2013.

Amendments to the First-tier Tribunal and Upper Tribunal (Chambers) Order 2010

2. The First-tier Tribunal and Upper Tribunal (Chambers) Order 2010(b) is amended as follows.

3. In article 10 (functions of the Administrative Appeals Chamber), in paragraph (b), for “ or (d)”, substitute “, (d) or (e)”.

4. In article 11 (functions of the Immigration and Asylum Chamber of the Upper Tribunal), for paragraphs (c) and (d), substitute—

- “(c) an application for the Upper Tribunal to grant relief mentioned in section 15(1) of the Tribunals, Courts and Enforcement Act 2007 (Upper Tribunal’s “judicial review” jurisdiction), or to exercise the power of review under section 21(2) of that Act (Upper Tribunal’s “judicial review” jurisdiction: Scotland), which is made by a person who claims to be a minor from outside the United Kingdom challenging a defendant’s assessment of that person’s age;
- (d) an application for the Upper Tribunal to exercise the powers of review under section 21(2) of the Tribunals, Court and Enforcement Act (Upper Tribunal’s “judicial review” jurisdiction: Scotland), which relates to a decision of the First-tier Tribunal mentioned in paragraph (a);
- (e) an application for the Upper Tribunal to grant relief mentioned in section 15(1) of the Tribunals, Courts and Enforcement Act 2007 (Upper Tribunal’s “judicial review” jurisdiction), which is designated as an immigration matter—

(a) 2007 c.15.

(b) S.I. 2010/2655 as amended by S.I. 2011/2342, S.I. 2012/1673 and S.I. 2013/1187.

- (i) in a direction made in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2005^(a) specifying a class of case for the purposes of section 18(6) of the Tribunals, Courts and Enforcement Act 2007; or
- (ii) in an order of the High Court in England and Wales made under section 31A(3) of the Senior Courts Act 1981^(b), transferring to the Upper Tribunal an application of a kind described in section 31A(1) of that Act.”

Signed by the authority of the Lord Chancellor

20th August 2013

I concur,

31st July 2013

Damian Green
Parliamentary Under Secretary of State
Ministry of Justice

Sir Jeremy Sullivan
Senior President of Tribunals

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the First-tier Tribunal and Upper Tribunal (Chambers) Order 2010 (S.I. 2010/2655) in consequence of the making of a direction by the Lord Chief Justice which transfers into the unified tribunal structure certain immigration and asylum judicial reviews from the High Court in England and Wales.

The amendments made by articles 3 and 4 provide that these applications for judicial review will be allocated to the Immigration and Asylum Chamber of the Upper Tribunal.

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(a) 2005 c.4.

(b) 1981 c.54. Section 31A was inserted by section 19(1) of the Tribunals, Court and Enforcement Act 2007 (c.15), and amended by section 53(1) of the Borders, Citizenship and Immigration Act 2009 (c.11) and section 22(1) of the Crime and Courts Act 2013 (c.22).

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