



# Tribunals and Inquiries Act 1992

## 1992 CHAPTER 53

### *Supplementary provisions*

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

- (1) The Lord Chancellor <sup>F1</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>F1</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>F1</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>F1</sup> . . . may by order—
  - (a) repeal or amend section 7(3) of this Act or any of paragraphs 5 <sup>F2</sup> . . . , 9, 13, 16, 20, 22, 23, 24, 29, 30, 32, 35(a) <sup>F3</sup> . . . , 37, 39(c), 43, 44, 47, 49, 51, 54, 55, 56(d), 57(a), 58 <sup>F4</sup> . . . and 63 of Schedule 1;
  - <sup>F5</sup>(b) repeal the reference in section 6 to paragraph 43 of Schedule 1;
  - (c) repeal <sup>F6</sup> . . . 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 <sup>F4</sup> . . . 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>M1</sup>Forestry Act 1967.

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[<sup>F7</sup>(5A) In relation to Northern Ireland, any power to make an order under this section 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 this section is to be read accordingly.]

(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.

#### Textual Amendments

- F1** 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**
- F2** Word in s. 13(5)(a) repealed (1.12.2001) by S.I. 2001/3649, **arts. 1, 337**
- F3** 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**
- F4** Word in s. 13(5) omitted (S.) (1.12.2016) by virtue of The First-tier Tribunal for Scotland (Transfer of Functions of the Private Rented Housing Committees) Regulations 2016 (S.S.I. 2016/337), reg. 1(2), **sch. 2 para. 3(3)** (with sch. 1)
- F5** 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**
- F6** Words in s. 13(5)(c) repealed (1.11.2007) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 146, 148(5), **Sch. 23 Pt. 1**; S.I. 2007/2709, **art. 3(d)(v)**
- F7** S. 13(5A) 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(4)** (with arts. 28-31); S.I. 2010/977, art. 1(2)

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

- C1** 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

- M1** 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 [<sup>F8</sup>9ZA,] 14(a), 20, 33, 34, 39(a) or (b), 40, 48, 56 or 60 of Schedule 1, [<sup>F9</sup>or]
  - [<sup>F10</sup>(aa) the lead enforcement authority referred to in paragraph 16A of Schedule 1,]
  - <sup>F11</sup>(b) .....
  - (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>F12</sup>(1A) In this Act—

- (a) references to the working of the Pensions Regulator referred to in paragraph 35(i) of Schedule 1 are references to its working so far as relating to the exercise of its regulatory functions (within the meaning of section 93(2) of the

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Pensions Act 2004) or any corresponding function conferred by a provision in force in Northern Ireland, and

- (b) references to procedural rules for the Pensions Regulator are references to regulations under paragraph 19 of Schedule 1 to that Act (Secretary of State's powers to make regulations in respect of Regulator's procedure) so far as they relate to the procedure to be followed when exercising those functions.]

<sup>F13</sup>(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>M2</sup>Civil Aviation Act 1982.

#### Textual Amendments

- F8** Word in s. 14(1)(a) inserted (23.5.2016) by [Scotland Act 2016 \(c. 11\)](#), **ss. 39(7)**, 72(7)
- F9** Word in s. 14(1)(a) inserted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), **Sch. 1 para. 98(a)** (with art. 3)
- F10** S. 14(1)(aa) inserted (31.3.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(5), **Sch. 2 para. 3(2)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F11** S. 14(1)(b) omitted (1.4.2014) by virtue of [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), **Sch. 1 para. 98(b)** (with art. 3)
- F12** S. 14(1A) substituted (10.2.2005) by [Pensions Act 2004 \(c. 35\)](#), ss. 319(1), 322(1), **Sch. 12 para. 8(3)**; [S.I. 2005/275](#), **art. 2(4)**, Sch. Pt. 4
- F13** S. 14(2) repealed (6.4.1997) by [1995 c. 26](#), ss. 151, 177, Sch. 5, para. 16(5), **Sch. 7 Pt. III**; [S.I. 1997/664](#), art. 2(3), **Sch. Pt. II**

#### Marginal Citations

- M2** 1982 c. 16.

## 15 Rules and orders.

[<sup>F14</sup>(1)] 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.

[<sup>F15</sup>(2)] Any rules or orders made by the Department of Justice in Northern Ireland under this Act shall be made by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 <sup>M3</sup> and shall be subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 <sup>M4</sup>.]

[<sup>F16</sup>(3)] Any power of the Welsh Ministers to make rules or orders under this Act is exercisable by statutory instrument subject to annulment in pursuance of a resolution of the National Assembly for Wales.]

#### Textual Amendments

- F14** S. 15 renumbered as s. 15(1) (12.4.2010) by virtue of [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(5)** (with arts. 28 - 31)

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- F15** S. 15(2) 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(5)** (with arts. 28-31); S.I. 2010/977, art. 1(2)
- F16** S. 15(3) inserted (24.5.2018) by [The Welsh Ministers \(Transfer of Functions\) Order 2018 \(S.I. 2018/644\)](#), arts. 1(1), **32(4)**

#### Marginal Citations

- M3** S.I. 1979/1573 (N.I. 12).
- M4** 1954 c. 33 (N.I.). Section 41(6) was amended by S.I. 1999/663.

## 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,
- <sup>F17</sup> ...
- [<sup>F18</sup>“enactment” includes an Act of the Scottish Parliament,]
- “Minister” includes [<sup>F19</sup>the [<sup>F20</sup>Welsh Ministers] and] any Board presided over by a Minister,
- [<sup>F21</sup>“Northern Ireland devolved provision” means provision which could be made by an Act of the Northern Ireland Assembly without the consent of the Secretary of State (see sections 6 to 8 of the Northern Ireland Act 1998),]
- <sup>F22</sup> ...
- “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),
- [<sup>F23</sup>but does not include an inquiry or hearing held or to be held in Wales under any provision of the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990 or the Planning (Hazardous Substances) Act 1990, ] and
- “statutory provision” means a provision contained in, or having effect under, any enactment,
- <sup>F24</sup> ...
- (2) The Lord Chancellor <sup>F25</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.
- [<sup>F26</sup>(2A) In relation to inquiries or hearings held or to be held in Northern Ireland, the power to make an order under subsection (2) 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 subsection (2) is to be read accordingly.]
- [<sup>F27</sup>(2B) The power to make an order under subsection (2) is not exercisable in relation to inquiries or hearings held or to be held in Wales by or on behalf of the Welsh Ministers.

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- (2C) The Welsh Ministers may by order designate for the purposes of this section any inquiry or hearing held or to be held in Wales by or on behalf of the Welsh Ministers 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

- F17** Words in s. 16 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. 13\(a\)](#)
- F18** S. 16(1): definition of "enactment" inserted (1.11.2007) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), ss. 48(1), 148(5), [Sch. 8 para. 30\(b\)](#); S.I. 2007/2709, [art. 3\(b\)\(i\)](#)
- F19** 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](#)
- F20** Words in s. 16(1) substituted by [Government of Wales Act 2006 \(c. 32\)](#), s. 160(1), [Sch. 10 para. 38](#) (with [Sch. 11 para. 22](#)) (the amending provision coming into force immediately after the 2007 election (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of the initial period (which ended with the day of the first appointment of a First Minister on 25.5.2007) see ss. 46, 161(1)(4)(5) of the amending Act)
- F21** S. 16(1): definition of "Northern Ireland devolved provision" 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\(6\)](#) (with arts. 28-31); S.I. 2010/977, art. 1(2)
- F22** Words in s. 16 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. 13\(b\)](#)
- F23** Words in s. 16(1) inserted (E.W.) (6.9.2015 for specified purposes, 5.5.2017 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), [Sch. 5 para. 27](#); S.I. 2017/546, art. 3(e)
- F24** Words in s. 16 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. 13\(c\)](#)
- F25** 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](#)
- F26** S. 16(2A) 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\(7\)](#) (with arts. 28-31); S.I. 2010/977, art. 1(2)
- F27** S. 16(2B)(2C) inserted (24.5.2018) by [The Welsh Ministers \(Transfer of Functions\) Order 2018 \(S.I. 2018/644\)](#), arts. 1(1), [32\(5\)](#)

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

- C2** 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>M5</sup>Tribunals and Inquiries Act 1971, section 3(12)(a) of the <sup>M6</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;”.

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### **Marginal Citations**

**M5** 1971 c. 62.

**M6** 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.

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 8(1A) inserted by [2007 c. 15 Sch. 8 para. 26](#) (This amendment not applied to legislation.gov.uk. as the inserting provision was repealed (3.11.2008) without ever being in force by [2007 c. 15. Sch. 23 Pt.1, S.I. 2008/2696, art. 5\(i\)\(vii\)](#))
- s. 9(5) added by [2006 asp 17 s. 52\(2\)](#)
- s. 9(5)(a) words in s. 9(5) renumbered as s. 9(5)(a) by [2011 asp 3 s. 29\(2\)\(a\)](#)
- s. 9(5)(b) and word inserted by [2011 asp 3 s. 29\(2\)\(b\)](#)
- Sch. 1 Pt. 1 Table para. 9B inserted by [2006 c. 14 s. 58\(5\)](#) (This amendment not applied to legislation.gov.uk. S. 58(5) repealed (1.9.2009) without ever being in force by S.I. 2009/1835, arts. 1, 4(3), Sch. 3 (with Sch. 4))
- Sch. 1 Pt. 1 Table para. 8 repealed by [2000 c. 14 Sch. 6](#)
- Sch. 1 Pt. 1 Table para. 19 repealed by [2007 c. 15 Sch. 23 Pt. 1](#)
- Sch. 1 Pt. 2 Table para. 54B inserted by [2007 asp 3 Sch. 5 para. 21](#) (This amendment not applied to legislation.gov.uk. Sch. 5 para. 21 repealed (31.1.2011) by [2010 asp 8, sch. 4 Pt. 2; S.S.I. 2011/30, art. 3\(1\), Sch. 1](#))