



# Tribunals, Courts and Enforcement Act 2007

## 2007 CHAPTER 15

### PART 1

#### TRIBUNALS AND INQUIRIES

#### CHAPTER 3

##### TRANSFER OF TRIBUNAL FUNCTIONS

### 35 Transfer of Ministerial responsibilities for certain tribunals

- (1) The Lord Chancellor may by order—
- (a) transfer any relevant function, so far as that function is exercisable by a Minister of the Crown—
    - (i) to the Lord Chancellor, or
    - (ii) to two (or more) Ministers of the Crown of whom one is the Lord Chancellor;
  - (b) provide for any relevant function that is exercisable by a Minister of the Crown other than the Lord Chancellor to be exercisable by the other Minister of the Crown concurrently with the Lord Chancellor;
  - (c) provide for any relevant function that is exercisable by the Lord Chancellor concurrently with another Minister of the Crown to cease to be exercisable by the other Minister of the Crown.
- (2) In this section “relevant function” means a function, in relation to a scheduled tribunal, which relates—
- (a) to the operation of the tribunal (including, in particular, its membership, administration, staff, accommodation and funding, and payments to its members or staff), or

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**Changes to legislation:** Tribunals, Courts and Enforcement Act 2007, Section 35 is up to date with all changes known to be in force on or before 08 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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- (b) to the provision of expenses and allowances to persons attending the tribunal or attending elsewhere in connection with proceedings before the tribunal.
- (3) In subsection (2) “scheduled tribunal” means a tribunal in a list in Schedule 6 that has effect for the purposes of this section.
- (4) A relevant function may not be transferred under subsection (1) if, or to the extent that, the provision conferring the function—
  - (a) would be within the legislative competence of the Scottish Parliament if it were included in an Act of that Parliament, or
  - (b) would be within the legislative competence of the Northern Ireland Assembly if it were included in an Act of that Assembly.
- (5) Subsection (4) does not apply to any relevant function of the Secretary of State—
  - (a) under section 41 of the Consumer Credit Act 1974 (c. 39) (appeals), or
  - (b) under section 7 of the Estate Agents Act 1979 (c. 38) (appeals).
- (6) Any reference in subsection (1) to a Minister of the Crown includes a reference to a Minister of the Crown acting jointly.
- (7) An order under subsection (1)—
  - (a) may relate to a function either wholly or in cases (including cases framed by reference to areas) specified in the order;
  - (b) may include provision for the purposes of, or in consequence of, or for giving full effect to, the transfer or (as the case may be) other change as regards exercise;
  - (c) may include such incidental, supplementary, transitional or consequential provision or savings as the Lord Chancellor thinks fit;
  - (d) may include provision for the transfer of any property, rights or liabilities of the person who loses functions or whose functions become shared with the Lord Chancellor.
- (8) An order under subsection (1), so far as it—
  - (a) provides under paragraph (a) for the transfer of a function, or
  - (b) provides under paragraph (b) for a function to become exercisable by the Lord Chancellor, or
  - (c) provides under paragraph (c) for a function to cease to be exercisable by a Minister of the Crown other than the Lord Chancellor,
 may not, after that transfer or other change has taken place, be revoked by another order under that subsection.
- (9) Section 1 of the 1975 Act (power to transfer Ministerial functions) does not apply to a function of the Lord Chancellor—
  - (a) so far as it is a function transferred to the Lord Chancellor under subsection (1)(a),
  - (b) so far as it is a function exercisable by the Lord Chancellor as a result of provision under subsection (1)(b), or
  - (c) so far as it is a function that has become exercisable by the Lord Chancellor alone as a result of provision under subsection (1)(c).
- (10) In this section—
  - “Minister of the Crown” has the meaning given by section 8(1) of the 1975 Act but includes the Commissioners for Her Majesty's Revenue and Customs;

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“the 1975 Act” means the Ministers of the Crown Act 1975 (c. 26).

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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. 13(8)(bza) inserted by [2022 c. 36 s. 23\(2\)](#)
- s. 13(8)(bzb) inserted by [2022 c. 36 s. 24\(9\)](#)
- s. 16(3)(a) word inserted by [2015 c. 2 s. 85\(3\)\(a\)](#)
- s. 16(3)(b) and word inserted by [2015 c. 2 s. 85\(3\)\(b\)](#)
- s. 16(3A)(3B) inserted by [2015 c. 2 s. 85\(4\)](#)
- s. 22(6) inserted by [2022 c. 35 Sch. 4 para. 4\(2\)](#)
- s. 23(8) inserted by [2022 c. 35 Sch. 4 para. 4\(3\)](#)
- s. 25A inserted by [2022 c. 36 s. 80\(1\)](#)
- s. 29(3A) inserted by [2022 c. 36 s. 81\(6\)](#)
- Sch. 5 para. 11A and cross-heading inserted by [2022 c. 36 s. 80\(2\)](#)
- Sch. 7 para. 6(1)(e) words substituted by [2013 c. 22 Sch. 14 para. 13\(2\)](#) (Sch. 7 was already repealed when this amendment came into force)
- Sch. 7 para. 6(4)(b) words substituted by [2013 c. 22 Sch. 14 para. 13\(2\)](#) (Sch. 7 was already repealed when this amendment came into force)