

2008 No. 2683

TRIBUNALS AND INQUIRIES

**The Tribunals, Courts and Enforcement Act 2007 (Transitional
and Consequential Provisions) Order 2008**

<i>Made</i> - - - -	<i>9th October 2008</i>
<i>Laid before Parliament</i>	<i>15th October 2008</i>
<i>Coming into force</i> - -	<i>3rd November 2008</i>

The Lord Chancellor makes the following Order in exercise of the powers conferred by sections 31(9) and 145 of, and paragraph 30 of Schedule 5 to, the Tribunals, Courts and Enforcement Act 2007(a).

Citation, commencement and extent

1. This Order may be cited as the Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 and comes into force on 3rd November 2008.

2. Except as provided by articles 3 and 4, an amendment or revocation of any enactment by any provision of Schedules 1 and 2 extends to any part of the United Kingdom to which the enactment extends.

3.—(1) For the purposes of article 4 the following amendments and revocations made by Schedules 1 and 2 do not extend to Scotland—

(2) In Schedule 1—

- (a) paragraph 96(a), (c), (d) and (e) (i), (iii), (iv) and (vi) to (ix);
- (b) paragraph 124 in so far as it relates to regulations 35, 36(1), (2)(a), (5) and (8), 37 and 38;
- (c) paragraph 126 in so far as it relates to regulations 39, 40, 42, 43, 46, 47, 49, 51 and 53 to 58;
- (d) paragraphs 128, 133(a) and 134; and
- (e) paragraph 136 in so far as it relates to regulations 16 to 28 and 30 to 33.

(3) In Schedule 2 the entries relating to—

- (a) the Social Security and Child Support (Decisions and Appeals) (Amendment) Regulations 1999(b) in so far as the entry relates to regulation 2(b);
- (b) the Social Security and Child Support (Decisions and Appeals), Vaccine Damage Payments and Jobseeker's Allowance Amendment Regulations 1999(c) in so far as the entry relates to regulation 10;

(a) 2007 c.15.
(b) S.I. 1999/1466.
(c) S.I. 1999/2677.

- (c) the Social Security and Child Support (Miscellaneous Amendments) Regulations 2000(a) in so far as the entry relates to regulations 24(a) to (c), (e) and (h), 25, 29 and 31;
- (d) the Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002(b) in so far as the entry relates to regulations 13 to 18 and 20;
- (e) the Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2003(c);
- (f) the Social Security, Child Support and Tax Credits (Decisions and Appeals) Amendment Regulations 2004(d) in so far as the entry relates to regulation 2(4) to (7);
- (g) the Social Security, Child Support and Tax Credits (Miscellaneous Amendments) Regulations 2005(e) in so far as the entry relates to regulation 2(9) to (14), (18) and (20);
- (h) the Social Security and Child Support Commissioners (Procedure) (Amendment) Regulations 2005(f) in so far as the entry relates to regulation 2; and
- (i) the Social Security and Child Support (Decisions and Appeals) (Amendment) Regulations 2008(g).

4. The purposes referred to in article 3(1) are—

- (a) the determination by an appeal tribunal constituted under Chapter 1 of Part 1 of the Social Security Act 1998(h) of an appeal which is referred to such a tribunal by the Scottish Ministers, or the Secretary of State on their behalf, pursuant to section 158 (appeal tribunals) of the Health and Social Care (Community Health and Standards) Act 2003(i); and
- (b) the determination by a Social Security Commissioner of an appeal made under section 159 (appeal to social security commissioner) of that Act against a decision falling within sub-paragraph (a).

Transitional provision

5. Where an appeal lies to the High Court under regulation 12 of the Road Traffic (NHS Charges) (Reviews and Appeals) Regulations 1999(j) (appeals to the High Court) from any decision made by the appeal tribunal constituted under Chapter 1 of Part 1 of the Social Security Act 1998, and that appeal has not been commenced before 3rd November 2008, section 11 of the Tribunals Courts and Enforcement Act 2007 shall apply as if the decision were a decision made on or after the 3rd November 2008 by the First-tier Tribunal.

Consequential Amendments and Revocations

6.—(1) Schedule 1 contains consequential amendments.

(2) Schedule 2 contains revocations. The instruments listed in column (1) of the table in Schedule 2 (which have the references listed in column (2)) are revoked to the extent indicated in column (3).

By authority of the Lord Chancellor

(a) S.I. 2000/1596.

(b) S.I. 2002/1379.

(c) S.I. 2003/1050.

(d) S.I. 2004/3368.

(e) S.I. 2005/337.

(f) S.I. 2005/870.

(g) S.I. 2008/1957.

(h) 1998 c.14.

(i) 2003 c.43. The function of Scottish Ministers in relation to section 158 can be exercised by the Secretary of State pursuant to the Scotland Act 1998 (Agency Arrangements) (Specifications) (No 3) Order 2006 (S.I. 2006/3338).

(j) S.I. 1999/786.

SCHEDULE 1

Article 6(1)

Consequential amendments

War Pensions (Mercantile Marine) Scheme 1964

1. Schedule 7 to the War Pensions (Mercantile Marine) Scheme 1964(a) is amended as follows—

- (a) in paragraph 4—
 - (i) after “decision of the President of the Pensions Appeal Tribunals” insert “or the First-tier Tribunal, as the case may be,”;
 - (ii) for “the decision of a Pensions Appeal” substitute “the decision of the”; and
 - (iii) in paragraph (b) after “Pensions Appeal Tribunals” insert “or the First-tier Tribunal, as the case may be,”; and
- (b) in paragraph 8—
 - (i) after “decision of the President of the Pensions Appeal Tribunals” insert “or the First-tier Tribunal, as the case may be,”;
 - (ii) for “the decision of a Pensions Appeal”, in both places, substitute “the decision of the”; and
 - (iii) after “application to the President of the Pensions Appeal Tribunals” insert “or the First-tier Tribunal, as the case may be,”.

Rent Assessment Committees (England and Wales) Regulations 1971

2. In regulation 3(1) of the Rent Assessment Committees (England and Wales) Regulations 1971(b) (hearings) omit “; but nothing in these regulations shall prevent a member of the Council on Tribunals in that capacity from attending any hearing”.

Plant Varieties and Seeds Tribunal Rules 1974

3. In rule 10 of the Plant Varieties and Seeds Tribunal Rules 1974(c) (tribunal to sit in public) omit paragraph (2).

Industrial Training (Levy Exemption References) Regulations 1974

4. In paragraph 6(1) of the Schedule to the Industrial Training (Levy Exemption References) Regulations 1974(d) (the hearing) omit “, but a member of the Council on Tribunals or of the Scottish Committee of the Council shall be entitled to attend the hearing of any reference in private in his capacity as such member”.

(a) S.I. 1964/2058.
(b) S.I. 1971/1065.
(c) S.I. 1974/1136.
(d) S.I. 1974/1335.

Health and Safety Inquiries (Procedure) Regulations 1975

5. In regulation 8 of the Health and Safety Inquiries (Procedure) Regulations 1975(a) (procedure at inquiry) omit paragraph (3)(b)(i) (and the following “and” and “(ii)”).

Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975

6. In Schedule 3 of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975(b) (excepted proceedings) for paragraph 5 substitute—

“5. Proceedings under the Mental Health Act 1983 before any tribunal.”.

Social Security Benefit (Dependency) Regulations 1977

7. In regulation 1(2) of the Social Benefit (Dependency) Regulations 1977(c) (citation, commencement and interpretation) in the definition of “determining authority” for the words from “an appeal tribunal” to the end substitute “the First-tier Tribunal or the Upper Tribunal;”.

Social Security (Widow’s Benefit and Retirement Pensions) Regulations 1979

8. In regulation 1(2) of the Social Security (Widow’s Benefit and Retirement Pensions) Regulations 1979(d) (citation, commencement and interpretation) in the definition of “the determining authority” for the words “an appeal tribunal” to the end substitute “the First-tier Tribunal or the Upper Tribunal;”.

Pensions Appeals Tribunals (Posthumous Appeals) Order 1980

9. The Pensions Appeals Tribunals (Posthumous Appeals) Order 1980(e) is amended as follows.

10. In article 1(2) (interpretation)—

(a) in the definition of “Commissioner” for sub-paragraphs (a) and (b) substitute “the Social Security Administration (Northern Ireland) Act 1992(f)”; and

(b) in the definition of “the President of the Pensions Appeal Tribunals”—

(i) omit “by the Lord Chancellor”; and

(ii) at the end insert “for Scotland or Northern Ireland”.

11. In article 3 (posthumous notification of, and appeals to Pensions Appeals Tribunals against, decisions of the Secretary of State)—

(a) in the heading for “Pensions Appeals Tribunals” substitute “the appropriate tribunal”;

(b) in paragraph (1) for “Pensions Appeal Tribunals” substitute “the appropriate tribunal; and

(c) after paragraph (5) insert—

“(6) For appeals to the First-tier Tribunal, Tribunal Procedure Rules apply in respect of the time limits and extension to those time limits by the Secretary of State.”.

12. In article 4 (initiation of posthumous appeals to a Commissioner)—

(a) S.I. 1975/335.

(b) S.I. 1975/1023. The Order was revoked in relation to Scotland by article 6(a) of the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003 (S.S.I. 2003/231).

(c) S.I. 1977/343. In regulation 1(2) the definition of “the determining authority” was substituted by paragraph 1 of Schedule 2 to the Social Security Act 1998 (Commencement No 12 and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/3178).

(d) S.I. 1979/462. In regulation 1(2) the definition of “the determining authority” was substituted by paragraph 1(a) of Schedule 3 to the Social Security Act 1998 (Commencement No 9, and Savings and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/2422).

(e) S.I. 1980/1082. In article 1 the definition of “Commissioner” was inserted by article 2 of the Pensions Appeals Tribunals (Posthumous Appeals) Amendment Order 2005 (S.I. 2005/245). Article 4(1) and (2) and (6) were amended by articles 5, 6(a) and (b), and 9(a) and (b) of the 2005 Order. Article 5A was inserted by article 8 of the 2005 Order.

(f) 1992 c.8.

- (a) in the heading after “Commissioner” insert “or the Upper Tribunal”;
- (b) in paragraph (1)—
 - (i) for “the Pensions Appeal Tribunal” substitute “an appropriate tribunal”;
 - (ii) after “to a Commissioner” insert “or the Upper Tribunal”; and
 - (iii) after “Act” insert “or to the Upper Tribunal under section 11 of the Tribunals, Courts and Enforcement Act 2007^(a), as the case may be”;
- (c) in paragraph (2)—
 - (i) for “the Pensions Appeal Tribunal” substitute “an appropriate tribunal”;
 - (ii) after “to a Commissioner” insert “or the Upper Tribunal”; and
 - (iii) after “6A” insert “of the Act, or to the Upper Tribunal under section 11 of the Tribunals, Courts and Enforcement Act 2007, as the case may be”; and
- (d) in paragraph (3)(b) for “a Pensions Appeal Tribunal” substitute “the appropriate tribunal”.

13. In article 5 (continuation of appeals after death of claimant) for “or, as the case may be, 6A of the Act” substitute “or 6A of the Act or section 11 of the Tribunals, Courts and Enforcement Act 2007, as the case may be”.

14. In article 5A (posthumous appeals from a Commissioner)—

- (a) in the heading, after “a Commissioner” insert “or the Upper Tribunal”; and
- (b) at the end insert “or where the appeal was brought or continued in the Upper Tribunal, the designated person may appeal from the Upper Tribunal in accordance with section 13 of the Tribunals, Courts and Enforcement Act 2007”.

15. In article 6 (directions in relation to appeals) after “President or a Commissioner” insert “or the First-tier Tribunal or the Upper Tribunal, as the case may be,”.

16. In article 9(3) (application of order and time for appealing) after “of the Act” insert “or the Tribunals, Courts and Enforcement Act 2007”.

Rent Assessment Committees (England and Wales) (Rent Tribunal) Regulations 1980

17. In regulation 7(1) of the Rent Assessment Committees (England and Wales) (Rent Tribunal) Regulations 1980^(b) omit “; but nothing in these regulations shall prevent a member of the Council on Tribunals in that capacity from attending any hearing”.

Statutory Sick Pay (General) Regulations 1982

18. In regulation 9A(3) of the Statutory Sick Pay (General) Regulations 1982^(c) (liability of the Commissioners of Inland Revenue for payments of statutory sick pay) for the words “a Social Security Appeal Tribunal” to the end substitute “the First-tier Tribunal or the Upper Tribunal.”.

War Pensions (Commencing Dates of Past Awards) Order 1982

19. The War Pensions (Commencing Dates of Past Awards) Order 1982^(d) is amended as follows.

20. In article 1 (interpretation)—

- (a) before the definition of “instruments” insert—

(a) 2007 c.15.

(b) S.I. 1980/1700.

(c) S.I. 1982/894. Regulation 9A was inserted by regulation 2 of the Statutory Sick Pay (General) (Amendment) Regulations 1987 (S.I. 1987/372).

(d) S.I. 1982/1046.

““appropriate tribunal” means the appropriate tribunal as defined in section 12(1) of the 1943 Act;”;

- (b) omit the definition of “Pensions Appeal Tribunal”; and
- (c) in the definition of “the rules” after “1943 Act” insert “or Tribunal Procedure Rules”.

21. In article 4 (limitation on arrears)—

- (a) in sub-paragraph (a)—
 - (i) after “under the rules” insert “or by the Upper Tribunal”; and
 - (ii) for “a Pensions Appeal Tribunal” substitute “an appropriate tribunal”;
- (b) in sub-paragraph (b) for “a Pensions Appeal Tribunal” substitute “an appropriate tribunal”; and
- (c) in sub-paragraph (c)—
 - (i) for “from Pensions Appeal Tribunal” substitute “from the appropriate tribunal”; and
 - (ii) for “a Pensions Appeal Tribunal” substitute “an appropriate tribunal”.

22. In items 4 and 5 of Schedule 2 (commencing dates of past awards)—

- (a) in column 2—
 - (i) in paragraph (a) after “under the rules” insert “or by the Upper Tribunal”; and
 - (ii) in paragraph (b) for “a Pensions Appeal Tribunal” substitute “an appropriate tribunal”; and
- (b) in column 3 for “Pensions Appeal Tribunal” substitute “appropriate tribunal”.

Social Security (General Benefit) Regulations 1982

23. The Social Security (General Benefit) Regulations 1982(a) are amended as follows.

24. In regulation 1(2) (citation, commencement and interpretation) in the definition of “determining authority” for the words from “an appeal tribunal” to the end substitute “the First-tier Tribunal or the Upper Tribunal;”.

25. In regulation 11(7) and (8) (further definition of the principles of assessment of disablement and prescribed degrees of disablement) for “an appeal tribunal” substitute “the First-tier Tribunal”.

Workmen’s Compensation (Supplementation) Scheme 1982

26. The Workmen’s Compensation (Supplementation) Scheme 1982(b) is amended as follows.

27. In article 1(2) (citation, commencement and interpretation) in the definition of “the appropriate determining authority” for the words “an appeal tribunal” to the end substitute “the First-tier Tribunal or the Upper Tribunal;”.

28. In article 12 (determination of claims and applications for revision and supersession arising under the scheme) omit “and the Social Security Commissioners (Procedure) Regulations 1999”.

29. In Schedule 2 (provisions of the 1998 Act or regulations applicable (with the necessary modifications) to this scheme) omit the entries relating to—

- (a) regulations 35 to 38, 39 to 47 and 49 to 58 of the Social Security and Child Support (Decisions and Appeals) Regulations 1999; and

(a) S.I. 1982/1408. In regulation 1(2) the definition of “determining authority” was substituted by paragraph 1 of Schedule 3 to the Social Security Act 1998 (Commencement No 12 and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/3178). Regulation 11(7) and (8) was amended by paragraph 2 of Schedule 3 to that Order.

(b) S.I. 1982/1489. In article 1(2) the definition of “the appropriate determining authority” was inserted by paragraph 1(b) of Schedule 6 to the Social Security Act 1998 (Commencement No. 8, Savings and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/1958). Article 12 was substituted by paragraph 3 of Schedule 6 to that Order.

(b) the Social Security Commissioners (Procedure) Regulations 1999.

Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme 1983

30. The Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme 1983(a) is amended as follows.

31. In article 1(2) (citation, commencement and interpretation) in the definition of “the appropriate determining authority” for the words “an appeal tribunal” to the end substitute “the First-tier Tribunal or the Upper Tribunal;”.

32. In article 12 (questions arising under the scheme) omit the entry relating to “the Social Security Commissioners (Procedure) Regulations 1999”.

33. In Schedule 3 (provisions of the Social Security Act or regulations applicable (with the necessary modifications) to this scheme) omit the entries relating to—

- (a) regulations 35 to 38, 39 to 47 and 49 to 58 of the Social Security and Child Support (Decisions and Appeals) Regulations 1999; and
- (b) the Social Security Commissioners (Procedure) Regulations 1999.

Personal Injuries (Civilians) Scheme 1983

34. The Personal Injuries (Civilians) Scheme 1983(b) is amended as follows.

35. In article 56(a) (determination of medical questions) after “1949” insert “or, as the case may be, the First-tier Tribunal”.

36. In Schedule 5 (commencing dates of awards of pension)—

- (a) in paragraph 4—
 - (i) after “decision of the President of the Pensions Appeal Tribunals” insert “or the First-tier Tribunal, as the case may be;”;
 - (ii) for “the decision of a Pensions Appeal” substitute “the decision of the”; and
 - (iii) in paragraph (b) after “Pensions Appeal Tribunals” insert “or the First-tier Tribunal as the case may be”; and
- (b) in paragraph 8—
 - (i) after “decision of the President of the Pensions Appeal Tribunals” insert “or the First-tier Tribunal, as the case may be;”;
 - (ii) for “the decision of a Pensions Appeal”, in both places, substitute “the decision”; and
 - (iii) after “application to the President of the Pensions Appeal Tribunals” insert “or the First-tier Tribunal, as the case may be;”.

Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983

37. In regulation 1(2) of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983(c) (citation, commencement and interpretation), in the definition of “determining authority” for the words “a social security appeal tribunal” to the end substitute “the First-tier Tribunal or the Upper Tribunal;”.

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- (a) S.I. 1983/136. In article 1(2) the definition of “the appropriate determining authority” was inserted by paragraph 1(b) of Schedule 7 to the Social Security Act 1998 (Commencement No. 8, Savings and Consequential and Transitional provisions) Order 1999 (S.I. 1999/1958). Article 12 was substituted by paragraph 4 of Schedule 7 to that Order.
 - (b) S.I. 1983/686.
 - (c) S.I. 1983/1598. In regulation 1(2) the definition of “the determining authority” was amended by paragraph 1(3)(a)(i) of Schedule 8 to the Health and Social Services and Social Security Adjudications Act 1983 (c.41).

Civil Aviation Authority (Economic Regulation of Airports) Regulations 1986

38. In regulation 13(7) of the Civil Aviation Authority (Economic Regulation of Airports) Regulations 1986(a) (enforcement of conditions) omit the words “, but nothing in this regulation shall prevent a member of the Council on Tribunals or of its Scottish Committee from attending a hearing in his capacity as such”.

Public Service Vehicles (Traffic Commissioners: Publication and Inquiries) Regulations 1986

39. In regulation 7 of the Public Service Vehicles (Traffic Commissioners: Publication and Inquiries) Regulations 1986(b) (attendance at inquiries) omit “, provided that a member of the Council on Tribunals or its Scottish Committee shall be entitled to attend notwithstanding that attendance is restricted”.

Medicines Act 1968 (Hearings by Persons Appointed) Rules 1986

40. In rule 6 of the Medicines Act 1968 (Hearings by Persons Appointed) Rules 1986(c) (procedure at hearings by persons appointed) omit paragraph (3).

Animals (Scientific Procedures) (Procedure for Representations) Rules 1986

41. In rule 8 of the Animals (Scientific Procedures) (Procedure for Representations) Rules 1986(d) (procedure at hearings of oral representations) omit paragraph (4).

Statutory Maternity Pay (General) Regulations 1986

42. In regulation 7(2) of the Statutory Maternity Pay (General) Regulations 1986(e) (liability of Commissioners of Inland Revenue to pay statutory maternity pay), for the words “a Social Security Appeal Tribunal” to the end substitute “the First-tier Tribunal or the Upper Tribunal.”.

Social Security (Claims and Payments) Regulations 1987

43. In regulation 6(26) and (33)(c) of the Social Security (Claims and Payments) Regulations 1987(f) (date of claim) for “an appeal tribunal, a Commissioner” substitute “the First-tier Tribunal, the Upper Tribunal”.

Social Security (Payments on account, Overpayments and Recovery) Regulations 1988

44. In regulation 1(2) of the Social Security (Payments on account, Overpayments and Recovery) Regulations 1988(g) (citation, commencement and interpretation) in the definition of “adjudicating authority” for the words “an appeal tribunal” to the end substitute “the First-tier Tribunal or the Upper Tribunal;”.

(a) S.I. 1986/1544.

(b) S.I. 1986/1629.

(c) S.I. 1986/1761.

(d) S.I. 1986/1911.

(e) S.I. 1986/1960.

(f) S.I. 1987/1968. These regulations have been revoked in so far as they relate to child benefit or guardian’s allowance by the Child Benefit and Guardian’s Allowance (Administration) Regulations 2003 (S.I. 2003/492). Regulation 6(33) was inserted by regulation 2(4)(e) of the Social Security (Miscellaneous Amendments) (No 2) Regulations 2006 (S.I. 2006/832).

(g) S.I. 1988/664. These regulations have been revoked in so far as they relate to child benefit or guardian’s allowance by the Child Benefit and Guardian’s Allowance (Administration) Regulations 2003 (S.I. 2003/492). In regulation 1(2) the definition of “adjudicating authority” was substituted by paragraph 1 of Schedule 9 to the Social Security Act 1998 (Commencement No 12 and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/3178).

Civil Aviation Authority Regulations 1991

45. The Civil Aviation Authority Regulations 1991(a) are amended as follows.

46. For regulation 6(7A)(b) (regulation of the conduct of the Authority) substitute—

“(b) Any person which the Authority, with the consent of the parties, permits to attend the hearing is entitled to do so, whether or not the hearing is in private.”.

47. In regulation 14(5) omit the words “, but nothing in this regulation shall prevent a member of the Council on Tribunals or of its Scottish Committee from attending a hearing in his capacity as such”.

48. In regulation 26(4) (procedure at hearings) omit the words “, but nothing in this regulation shall prevent a member of the Council on Tribunals or of its Scottish Committee from attending a hearing in his capacity as such”.

49. In regulation 31D(4) (procedure at hearings)—

- (a) omit sub-paragraph (b); and
- (b) sub-paragraph (a) shall stand as paragraph (4).

Social Security (Disability Living Allowance) Regulations 1991

50. In regulation 1(2) of the Social Security (Disability Living Allowance) Regulations 1991(b) (citation, commencement and interpretation) in the definition of “adjudicating authority” for “an appeal tribunal” to the end substitute “the First-tier Tribunal or the Upper Tribunal”.

National Health Service (Service Committees and Tribunal) Regulations 1992

51. The National Health Service (Service Committees and Tribunal) Regulations 1992(c) are amended as follows.

52. In regulation 10(10) (procedure on appeals) for “Council on Tribunals” substitute “Administrative Justice and Tribunals Council”.

53. In regulation 33 (attendance by member of Council on Tribunals)—

- (a) for “Council on Tribunals”, in both places (including the heading), substitute “Administrative Justice and Tribunals Council”;
- (b) omit sub-paragraph (a); and
- (c) for “Tribunal, committee” substitute “committee”.

54. In paragraph 5(1) of Schedule 4 (procedure for investigation by discipline committees) for “Council on Tribunals” substitute “Administrative Justice and Tribunals Council”.

55. In paragraph 5(1) of Schedule 9 (hearings under Part 3) omit “Subject to regulation 33 (attendance by a member of Council on Tribunals)”.

(a) S.I. 1991/1672. Regulation 6(7A) was inserted by regulation 2(7) of the Civil Aviation Authority (Amendment) Regulations 2001 (S.I. 2001/2448). Regulation 31D was inserted by regulation 2(10) of the Civil Aviation Authority (Amendment) Regulations 2001 (S.I. 2001/2448).

(b) S.I. 1991/2890. In regulation 1(2) the definition of “adjudicating authority” was substituted by paragraph 1(b) of Schedule 7 to the Social Security Act 1998 (Commencement No 11, and Savings and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/2860).

(c) S.I. 1992/664. Regulation 10 was substituted by regulation 4 of the National Health Service (Service Committees and Tribunal) Amendment Regulations 1996 (S.I. 1996/703).

Child Support (Maintenance Assessment Procedure) Regulations 1992

56. The Child Support (Maintenance Assessment Procedure) Regulations 1992(a) are amended as follows.

57. In regulation 1(2) (citation, commencement and interpretation) in the definition of “official error” for “a Child Support Commissioner” substitute “the Upper Tribunal”.

58. In regulation 10(1) (notifications following certain decisions by child support officers) for “an appeal tribunal” substitute “the First-tier Tribunal”.

59. In regulation 18(6)(b) (late applications for a revision) for “a Child Support Commissioner” substitute “the Upper Tribunal”.

60. In regulation 20(4A) (supersession of decisions) for “an appeal tribunal or of a Child Support Commissioner” substitute “the First-tier Tribunal or Upper Tribunal”.

61. In regulation 23 (date from which a decision is superseded)—

(a) in paragraph (10)—

- (i) in sub-paragraph (a) for “an appeal tribunal under section 20 of the Act or a Child Support Commissioner” substitute “the First-tier Tribunal under section 20 of the Act or the Upper Tribunal”; and
- (ii) for “appeal tribunal or, as the case may be, the Child Support Commissioner” substitute “the First-tier Tribunal or, as the case may be, the Upper Tribunal”; and

(b) in paragraph (20)—

- (i) for “appeal tribunal or the Child Support Commissioner’s” substitute “First-tier Tribunal or the Upper Tribunal’s”; and
- (ii) for “Child Support Commissioner” substitute “Upper Tribunal”.

Child Support (Arrears, Interest and Adjustment of Maintenance Assessments) Regulations 1992

62. In regulation 14(6)(b) of the Child Support (Arrears, Interest and Adjustment of Maintenance Assessments) Regulations 1992(b) (late application for revision) for “a Child Support Commissioner” substitute “the Upper Tribunal”.

Family Proceedings Courts (Child Support Act 1991) Rules 1993

63. In rule 5(2)(c) of the Family Proceedings Courts (Child Support Act 1991) Rules 1993(c) (disclosure of information under the Act of 1991) for “an appeal tribunal” substitute “the First-tier Tribunal”.

Road Traffic (Parking Adjudicators) (London) Regulations 1993

64. For regulation 9(4) of the Road Traffic (Parking Adjudicators) (London) Regulations 1993(d) (procedure at a hearing) substitute—

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- (a) S.I. 1992/1813. Revoked with savings for certain purposes by the Child Support (Maintenance Calculation Procedure) Regulations 2000 (S.I. 2001/157). In regulation 1(2) the definition of “official error” was substituted by paragraph 8(b) of Schedule 6 to the Social Security (Work-focussed Interviews) Regulations 2000 (S.I. 2000/897). Regulations 20(4A) and 23(20) were inserted by Social Security and Child Support (Miscellaneous Amendments) Regulations 2003 (S.I. 2003/1050).
 - (b) S.I. 1992/1816. Regulation 14 was substituted by article 28 of the Social Security Act 1998 (Commencement No 7 and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/1510) and revoked for certain purposes by regulation 14(1) of the Child Support (Decisions and Appeals) (Amendment) Regulations 2000 (S.I. 2000/3185).
 - (c) S.I. 1993/627. Paragraph 2 of rule 5 was inserted by Rule 16 of the Family Proceedings Courts (Miscellaneous Amendments) Rules 2007 (S.I. 2007/2188).
 - (d) S.I. 1993/1202.

“(4) Any adjudicator appointed under section 73(3)(a) of the Act shall be entitled to attend the hearing of an appeal whether or not it is in private.”.

Social Security (Incapacity Benefit) Regulations 1994

65. In regulation 4A(3) of the Social Security (Incapacity Benefit) Regulations 1994(a) (days to be treated as days of incapacity for work)—

- (a) omit the definition of “Commissioner”; and
- (b) in the definition of “official error” for “a Commissioner” substitute “the Upper Tribunal”.

Social Security (Incapacity for Work) (General) Regulations 1995

66. For regulation 17(7)(b) of the Social Security (Incapacity for Work) (General) Regulations 1995(b) (exempt work) substitute—

- “(b) a member of the First-tier Tribunal where the member is eligible for appointment to be such a member in accordance with article 2(3) of the Qualifications for Appointment of Members to the First-tier Tribunal and Upper Tribunal Order 2008(c).”.

Personal and Occupational Pension Schemes (Pensions Ombudsman) (Procedure) Rules 1995

67. In rule 12 of the Personal and Occupational Pension Schemes (Pensions Ombudsman) (Procedure) Rules 1995(d) (hearings to be in public subject to exceptions) omit paragraph (2).

Civil Aviation Authority (Economic Regulation of Airports) (Northern Ireland) Regulations 1995

68. In regulation 13(9) of the Civil Aviation Authority (Economic Regulation of Airports) (Northern Ireland) Regulations 1995(e) (enforcement of conditions) omit “but nothing in this regulation shall prevent a member of the Council on Tribunals from attending a hearing in his capacity as such”.

Local Government Changes for England (Education) (Miscellaneous Provisions) Regulations 1996

69. The Local Government Changes for England (Education) (Miscellaneous Provisions) Regulations 1996(f) are amended as follows.

70. In regulation 13(b) for “Special Educational Needs” substitute “First-tier”.

71. Omit regulation 16 (appeals to Special Educational Needs Tribunal).

Deregulation (Model Appeal Provisions) Order 1996

72. The Schedule to the Deregulation (Model Appeal Provisions) Order 1996(g) (model rules for appeals) is amended as follows—

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- (a) S.I. 1994/2946. Regulation 4A was inserted by regulation 2(4) of the Social Security (Incapacity Benefit) Miscellaneous Amendments Regulations 2000 (S.I. 2000/3120) and paragraph (3) was inserted by regulation 6(3) of the Social Security (Miscellaneous Amendments) (No 5) Regulations 2007 (S.I. 2007/2618).
 - (b) S.I. 1995/311. Regulation 17 was substituted by regulation 4 of the Social Security (Incapacity for Work) Amendment Regulations 2006 (S.I. 2006/757).
 - (c) S.I. 2008/2692.
 - (d) S.I. 1995/1053.
 - (e) S.I. 1995/2294.
 - (f) S.I. 1996/710.
 - (g) S.I. 1996/1678.

- (a) in paragraph 6(9) (appointment of tribunal) for “Council on Tribunals” substitute “Administrative Justice and Tribunals Council”;
- (b) omit paragraph 25(2) (hearing to be in public);
- (c) in the heading of paragraph 37 for “Council on Tribunals” substitute “Administrative Justice and Tribunals Council”; and
- (d) in paragraph 37 (supervision by the Council on Tribunals) for “Council on Tribunals as if they were tribunals specified in Schedule 1 to the Tribunals and Inquiries Act 1992” substitute “Administrative Justice and Tribunals Council as if they were a listed tribunal within the meaning given in paragraph 25 of Schedule 7 to the Tribunals, Courts and Enforcement Act 2007(a)”.

Employment Protection (Recoupment of Jobseeker’s Allowance and Income Support) Regulations 1996

73. In regulation 10(2B) of the Employment Protection (Recoupment of Jobseeker’s Allowance and Income Support) Regulations 1996(b) (provisions relating to determination of amount paid by way of or paid as on account of benefit) for “an appeal tribunal constituted under Chapter I of Part I of the 1998 Act” substitute “the First-tier Tribunal”.

Child Support Departure Direction and Consequential Amendments Regulations 1996

74. The Child Support Departure Direction and Consequential Amendments Regulations 1996(c) are amended as follows.

75. In regulation 1(2) (citation, commencement and interpretation) in the definition of “official error” for “a Child Support Commissioner” substitute “the Upper Tribunal”.

76. In regulation 32A(1) (revision of decisions) for “an appeal tribunal” substitute “the First-tier Tribunal”.

77. In regulation 32B(6)(b) (late applications for a revision) for “a Child Support Commissioner” substitute “the Upper Tribunal”.

78. In regulation 32E(6)(a) (date from which a superseding decision takes effect) for “an appeal tribunal” substitute “the First-tier Tribunal”.

79. In regulation 34A(3) (correction of accidental errors in departure directions) for the words “in regulation 31(1)” to “Regulations 1999” substitute “under Tribunal Procedure Rules”.

Occupational and Personal Pension Schemes (Contracting-out etc: Review of Determinations) Regulations 1997

80. In regulation 4 of the Occupational and Personal Pension Schemes (Contracting-out etc: Review of Determinations) Regulations 1997(d) (formal hearings in connection with reviews) omit paragraph (5).

(a) 2007 c.15.

(b) S.I. 1996/2349. Regulation 10(2B) was inserted by paragraph 2 of Schedule 14 to the Social Security Act 1998 (Commencement No 12 and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/3178).

(c) S.I. 1996/2907. Revoked with savings for certain purposes by the Child Support (Variations) Regulations 2000 (S.I. 2001/156) as amended by the Child Support (Transitional Provision) (Miscellaneous Amendments) Regulations 2003 (S.I. 2003/347). In regulation 1(2) the definition of “official error” was amended by regulation 10 of the Social Security and Child Support (Miscellaneous Amendments) Regulations 2000 (S.I. 2000/1596). Regulations 32A, 32B and 32E were inserted, and regulation 34A(3) amended, by regulations 44 and 46 of the Child Support (Miscellaneous Amendments) (No 2) Regulations 1999 (S.I. 1999/1047). Regulation 34A was inserted by regulation 19 of the Child Support (Miscellaneous Amendments) Regulations 1998 (S.I. 1998/58).

(d) S.I. 1997/358.

Occupational Pensions Regulatory Authority (Determinations and Review Procedure) Regulations 1997

81. In regulation 13 of the Occupational Pensions Regulatory Authority (Determinations and Review Procedure) Regulations 1997(a) (oral hearings) omit paragraph (2)(d).

Airports (Groundhandling) Regulations 1997

82. The Airports (Groundhandling) Regulations 1997(b) are amended as follows.

83. In paragraph 13(4) of Schedule 1 (procedure for a determination by the CAA under regulations 9, 10, 11, 14 and 15) omit the words “, but nothing in this sub-paragraph shall prevent a member of the Council on Tribunals or of its Scottish Committee from attending a hearing in his capacity as such”.

84. In paragraph 5(3) of Schedule 2 (appeals to the CAA) omit the words “, but nothing in this sub-paragraph shall prevent a member of the Council on Tribunals or of its Scottish Committee from attending a hearing in his capacity as such”.

Plant Breeders’ Rights Regulations 1998

85. In regulation 8 of the Plant Breeders’ Rights Regulations 1998(c) (hearings of oral representations) omit paragraph (9).

National Lottery (Imposition of Penalties and Revocation of Licences) Procedure Regulations 1999

86. The National Lottery (Imposition of Penalties and Revocation of Licences) Procedure Regulations 1999(d) are amended as follows.

87. In regulation 7 (admission to a hearing) omit paragraph (4).

88. In regulation 14 (admission to a hearing) omit paragraph (4).

Education (Registered Inspectors of Schools Appeal Tribunal and Registered Nursery Education Inspectors Appeal Tribunal) (Procedure) Regulations 1999

89. For regulation 24(3) of the Education (Registered Inspectors of Schools Appeal Tribunal and Registered Nursery Education Inspectors Appeal Tribunal) (Procedure) Regulations 1999(e) (hearings to be in public: exceptions) substitute—

“(3) A person may, with the leave of the Tribunal and the consent of the parties present, attend the hearing of an appeal notwithstanding that it is in private.”.

Road Traffic (NHS Charges) (Reviews and Appeals) Regulations 1999

90. The Road Traffic (NHS Charges) (Reviews and Appeals) Regulations 1999(f) are amended as follows.

91. In regulation 1 (interpretation)—

(a) in paragraph (2)—

(i) in the definition of “appeal” omit “, except in regulation 12,”; and

(a) S.I. 1997/794.

(b) S.I. 1997/2389. Paragraph 5 of Schedule 2 was substituted by regulation 10(b) of the Airports (Groundhandling) (Amendment) Regulations 1998 (S.I. 1998/2918).

(c) S.I. 1998/1027.

(d) S.I. 1999/137.

(e) S.I. 1999/265.

(f) S.I. 1999/786.

- (ii) for the definition of “tribunal” substitute—
 - ““tribunal” means the First-tier Tribunal;”;
 - (b) in paragraph (4) omit—
 - (i) “or the clerk to or a chairman of a tribunal;” and
 - (ii) “or of the clerk to the tribunal, as appropriate;” and
 - (c) omit paragraph (5).
- 92.** In regulation 3 (manner of making appeals and time limits)—

- (a) for paragraph (1) substitute—
 - “(1) An appeal against a certificate made in accordance with Tribunal Procedure Rules must be made on a form approved by the Secretary of State and sent to the Compensation Recovery Unit.”;
- (b) omit paragraphs (2) to (9);
- (c) in paragraphs (10) and (11) for “under paragraph (9)” substitute “by Tribunal Procedure Rules”;
- (d) in paragraph (12) for “this regulation” substitute “Tribunal Procedure Rules”; and
- (e) omit paragraphs (15) and (16).

93. Omit regulations 4 to 12 (tribunal procedure).

Police Appeals Tribunal Rules 1999

94. In rule 9 of the Police Appeals Tribunal Rules 1999(a) (hearing to be in private) omit paragraph (3).

Social Security and Child Support (Decisions and Appeals) Regulations 1999

95. The Social Security and Child Support (Decisions and Appeals) Regulations 1999(b) are amended as follows.

96. In regulation 1(3) (citation, commencement and interpretation)—

- (a) in the definition of “appeal” for “an appeal tribunal” substitute “the First-tier Tribunal”;

(a) S.I. 1999/818.

(b) S.I. 1999/991. In regulation 1 the definition of “out of jurisdiction appeal” was substituted by regulation 3(1) of the Social Security and Child Support (Miscellaneous Amendments) Regulations 2003 (S.I. 2003/1050). The definition of “official error” in regulation 1 and regulations 3(4A) and (5A), 9A and 31(1)(a), (b) and (c) were inserted, and regulations 32, 33 and 38A were amended, by the Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1379). The definition of “party to the proceedings” was amended by regulation 4(b) of the Tax Credits (Decisions and Appeals) (Amendment) Regulations 1999 (S.I. 1999/2570), regulation 2(c) of the Child Support (Decisions and Appeals) (Amendment) Regulations 2000 (S.I. 2000/3185) and regulation 15(1) of the Social Security (Jobcentre Plus Interviews for Partners) Regulations 2003 (S.I. 2003/1886). The definition of “referral” was amended by regulation 2(d) of the Child Support (Decisions and Appeals) (Amendment) Regulations 2000 (S.I. 2000/3185). Regulations 2, 16(3)(b)(ii), 30, 31 and 33 were amended by regulations 5, 21, 22 and 23 of the Tax Credits (Decisions and Appeals) (Amendment) Regulations 1999 (S.I. 1999/2570). Regulations 3A, 6A, 6B, 7B and 30A were inserted, and regulations 4(6)(b) and 30 were amended, by regulations 5, 6(e), 8, 11 and 12 of the Child Support (Decisions and Appeals) (Amendment) Regulations 2000 (S.I. 2000/3185). Regulation 3A(3) and (5A) were substituted by regulation 2(b) and (c) of the Child Support (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1204). Regulations 6(2)(c), 6A(4A), 7(33) and 7B(22A) were inserted by the Child Support (Decisions and Appeals) (Amendment) Regulations 2000 (S.I. 2000/3185). Regulations 6(2)(n) and 58A were inserted, and regulation 31 was amended, by regulation 2(4)(c), (8) and (19) of the Social Security, Child Support and Tax Credits (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/337). Regulations 7(5), 16(4) and 20(2) and (3) were substituted by the Social Security and Child Support (Miscellaneous Amendments) Regulations 2000 (S.I. 2000/1596). Regulation 38A was inserted by regulation 2(4) of the Social Security and Child Support (Decisions and Appeals) Amendment (No 3) Regulations 1999 (S.I. 1999/1670). Regulation 9ZA was inserted, and regulations 29 and 31 were amended, by Schedule 2 of the Social Security (Recovery of Benefits) (Lump Sum Payments) Regulations 2008 (S.I. 2008/1596). Regulation 33(1) was amended by regulation 9 of the Social Security and Child Support (Decisions and Appeals), Vaccine Damage Payments and Jobseeker’s Allowance (Amendment) Regulations 1999 (S.I. 1999/2677) and by regulation 4 of the Child Support (Consequential Amendments and Transitional Provisions) Regulations 2001 (S.I. 2001/158). Regulations 3, 3A, 4, 6, 6A, 6B, 7, 7B, 8, 9A, 16, 20, 25 to 27 and 29 to 33 were revoked by the Child Benefit and Guardian’s Allowance (Decisions and Appeals) Regulations 2003 (S.I. 2003/916) so far as relating to child benefit or guardian’s allowance under the Social Security Contribution and Benefits Act 1992 (c.4).

- (b) in the definition of “official error” for “a Commissioner” substitute “the Upper Tribunal”;
- (c) in the definition of “party to the proceedings” for “an appeal tribunal” substitute “the First-tier Tribunal”;
- (d) in the definition of “referral” for “an appeal tribunal” substitute “the First-tier Tribunal”; and
- (e) omit the definitions of—
 - (i) “clerk to the appeal tribunal”;
 - (ii) “financially qualified panel member”;
 - (iii) “legally qualified panel member”;
 - (iv) “medically qualified panel member”;
 - (v) “out of jurisdiction appeal”;
 - (vi) “panel”;
 - (vii) “panel member”;
 - (viii) “panel member with a disability qualification”; and
 - (ix) “President”.

97. In regulation 2 (service of notices or documents)—

- (a) in sub-paragraph (a) omit—
 - (i) “to the clerk to the appeal tribunal or”; and
 - (ii) “by the clerk to the appeal tribunal or”; and
- (b) in sub-paragraph (b) omit “the clerk to the appeal tribunal or”.

98. In regulation 3 (revision of decisions)—

- (a) in paragraph (4A) for “in regulation 31, or in a case to which regulation 32 applies within the time prescribed by that regulation,” substitute “by Tribunal Procedure Rules”; and
- (b) in paragraph (5A)(b) for “an appeal tribunal” substitute “the First-tier Tribunal”.

99. In regulation 3A (revision of child support decisions)—

- (a) in paragraph (1)(cc) for “in regulation 31, or in a case to which regulation 32 applies within the time prescribed by that regulation,” substitute “by Tribunal Procedure Rules”; and
- (b) in paragraphs (3), (5A)(b) and (6) for “an appeal tribunal” substitute “the First-tier Tribunal”.

100. In regulation 4(6)(b) (late application for a revision) for “a Commissioner, a Child Support Commissioner” substitute “the Upper Tribunal”.

101. In regulation 6 (supersession of decisions)—

- (a) in paragraph (2)(c), for “an appeal tribunal or of a Commissioner” substitute “the First-tier Tribunal or of the Upper Tribunal”; and
- (b) in paragraph (2)(n)—
 - (i) for “an appeal tribunal” substitute “the First-tier Tribunal”; and
 - (ii) for “appeal tribunal” substitute “decision of the First-tier Tribunal”.

102. In regulation 6A(4A) (supersession of child support decisions) for “an appeal tribunal or of a Commissioner” substitute “the First-tier Tribunal or of the Upper Tribunal”.

103. In regulation 6B(1) (circumstances in which a child support decision may not be superseded) for “appeal tribunal or Child Support Commissioner” substitute “the First-tier Tribunal or the Upper Tribunal”.

104. In regulation 7 (date from which a decision superseded under section 10 takes effect)—

- (a) in paragraph (5)—
 - (i) for “an appeal tribunal or a Commissioner” substitute “ the First-tier Tribunal or the Upper Tribunal”; and
 - (ii) for “the appeal tribunal or the Commissioner” substitute “the First-tier Tribunal or the Upper Tribunal”; and
- (b) in paragraph (33)—
 - (i) for “appeal tribunal or the Commissioner’s” substitute “First-tier Tribunal or the Upper Tribunal’s”; and
 - (ii) for “Commissioner” substitute “Upper Tribunal”.

105. In regulation 7B (date from which a decision superseded under section 17 of the Child Support Act takes effect)—

- (a) in paragraph (9)—
 - (i) in sub-paragraph (a) for “an appeal tribunal or by a Child Support Commissioner” substitute “the First-tier Tribunal or the Upper Tribunal”;
 - (ii) for “the appeal tribunal” substitute “the First-tier Tribunal”; and
 - (iii) for “the Child Support Commissioner” substitute “the Upper Tribunal”; and
- (b) in paragraph (22A)—
 - (i) for “appeal tribunal or the Commissioner’s” substitute “First-tier Tribunal or the Upper Tribunal’s”; and
 - (ii) for “of the Commissioner” substitute “of the Upper Tribunal”.

106. In regulation 8(6)(b) (effective date for late notifications of change of circumstances) for “a Commissioner” substitute “ the Upper Tribunal”.

107. In regulation 9ZA(2) (review of certificates) for “29, 31, 33, 36(2)(a)(ii) and 58(1)” substitute “29 and 33”.

108. In regulation 9A(3) (correction of accidental errors) omit “, or the time within which an appeal may be brought under regulation 31(1),”.

109.—(1) Regulation 16 (suspension in prescribed cases) is amended as follows.

- (2) In paragraph (3)—
 - (a) in sub-paragraph (b)(i) for “an appeal tribunal, a Commissioner” substitute “the First-tier Tribunal, the Upper Tribunal”; and
 - (b) in sub-paragraph (b)(ii) for “a Commissioner” substitute “the Upper Tribunal”.
- (3) In paragraph (4)—
 - (a) for “an appeal tribunal, a Commissioner” substitute “the First-tier Tribunal, the Upper Tribunal”;
 - (b) in sub-paragraph (a) for “an appeal tribunal decision” substitute “a decision of the First-tier Tribunal”; and
 - (c) in sub-paragraph (b)—
 - (i) for “an appeal tribunal decision” substitute “a decision of the First-tier Tribunal”; and
 - (ii) for “leave” in both places substitute “permission”.

110.—(1) Regulation 20 (making of payments which have been suspended) is amended as follows.

- (2) In paragraph (2)—
 - (a) in sub-paragraph (a)—
 - (i) for “an appeal tribunal” substitute “the First-tier Tribunal”; and

- (ii) for “of one month specified in regulation 53(4)” substitute “specified under Tribunal Procedure Rules”;
- (b) in sub-paragraph (b)—
 - (i) for “an appeal tribunal, a Commissioner” substitute “the First-tier Tribunal, the Upper Tribunal”; and
 - (ii) for “leave” in both places, substitute “permission”; and
- (c) in sub-paragraphs (c) and (d) for “leave”, in each place, substitute “permission”.
- (3) in paragraph (3)—
 - (a) for “a Commissioner” substitute “the Upper Tribunal”; and
 - (b) for “leave”, in each place” substitute “permission”.

111. In regulation 21(4) (decisions involving issues that arise on appeal in other cases) for “leave” substitute “permission”.

112. In regulation 22 (appeals involving issues that arise in other cases) for “leave” substitute “permission”.

113. In regulation 23(4) (child support decisions involving issues that arise on appeal in other cases) for “leave” substitute “permission”.

114. In regulation 24 (child support appeals involving issues that arise in other cases) for “leave” substitute “permission”.

115. In regulation 25 (other persons with a right of appeal) for “an appeal tribunal” substitute “the First-tier Tribunal”.

116. In regulation 26 (decisions against which an appeal lies) for “an appeal tribunal” substitute “the First-tier Tribunal”.

117. In regulation 27 (decisions against which no appeal lies)—

- (a) in paragraph (1) for “an appeal tribunal” substitute “the First-tier Tribunal”; and
- (b) omit paragraph (3).

118. In regulation 29 (further particulars required relating to certificate of recoverable benefits or, as the case may be, recoverable lump sum payments appeals or applications)—

- (a) in the heading omit “or applications”;
- (b) omit paragraphs (1) and (2);
- (c) for paragraph (3) substitute—
 - “(3) Where it appears to the Secretary of State that a notice of appeal in respect of an appeal under the 1997 Act relating to a certificate of recoverable benefits or, as the case may be, recoverable lump sum payments does not contain the particulars required, the Secretary of State may direct the appellant to provide such particulars.”;
- (d) in paragraph (4) omit “or application”; and
- (e) in paragraph (5) omit “or a written statement or summary”.

119. In regulation 30(5) (appeal against a decision which has been replaced or revised) for “appeal tribunal” substitute “First-tier Tribunal”.

120. In regulation 30A (appeals to appeal tribunals in child support cases) in the heading, for “appeal tribunals” substitute “the First-tier Tribunal”.

121. Omit regulation 31 (time within which an appeal is to be brought).

122. In regulation 32 (late appeals)—

- (a) for paragraphs (1) to (3) substitute—

“(1) Where a dispute arises as to whether an appeal was brought within the time specified under Tribunal Procedure Rules the dispute shall be referred to, and determined by, the First-tier Tribunal.

(2) The Secretary of State, the Commission or the Board, as the case may be, may treat a late appeal as made in time in accordance with Tribunal Procedure Rules if the conditions in paragraphs (4) to (8) are satisfied.”;

(b) for paragraph (4) substitute—

“(4) An appeal may be treated as made in time if the Secretary of State, the Commission or the Board, as the case may be, is satisfied that it is in the interests of justice.”;

(c) in paragraph (5)—

(i) for “grant an application unless the panel member” substitute “treat the appeal as made in time unless”;

(ii) in sub-paragraphs (a) and (b) omit “to the application”; and

(iii) for “regulation 31” substitute “Tribunal Procedure Rules”;

(d) in paragraph (6), in each place, for “applicant” substitute “appellant”;

(e) in paragraph (7)—

(i) for “grant the application” substitute “treat the appeal as made in time”; and

(ii) for the words “within which” to the end, substitute “limit under Tribunal Procedure Rules and the submission of the notice of appeal, the more compelling should be the special circumstances.”;

(f) in paragraph (8)—

(i) for “grant an application” substitute “treat the appeal as made in time”;

(ii) in sub-paragraph (a) for “these Regulations” substitute “Tribunal Procedure Rules”; and

(iii) in sub-paragraph (b) for “a Commissioner” substitute “the Upper Tribunal”; and

(g) omit paragraphs (9) to (11).

123.—(1) Regulation 33 (making appeals and applications) is amended as follows.

(2) For the heading substitute “Notice of Appeal”.

(3) Omit paragraph (1).

(4) In paragraph (2) for “In this regulation, “an appropriate office” means” substitute “A notice of appeal made in accordance with Tribunal Procedure Rules and on a form approved by the Secretary of State, the Commission or the Board, as the case may be, or in such other format as the Secretary of State, the Commission or the Board, as the case may be, accepts, is to be sent or delivered to the following appropriate office”.

(5) For paragraph (3) substitute—

“(3) Except where paragraph (4) applies, where a form does not contain the information required under Tribunal Procedure Rules the form may be returned by the Secretary of State, the Commission or the Board to the sender for completion in accordance with the Tribunal Procedure Rules.”.

(6) In paragraph (4)—

(a) omit “or application”; and

(b) for “paragraph (1)” substitute “Tribunal Procedure Rules”.

(7) In paragraph (5)—

(a) for “an appeal or application” substitute “a notice of appeal”;

(b) after “the appeal” omit “or application”; and

(c) for “paragraph (1)” substitute “Tribunal Procedure Rules”.

(8) In paragraph (6) omit “or application”.

- (9) In paragraph 8—
- (a) in sub-paragraph (a) for “a legally qualified panel member” substitute “the First-tier Tribunal”; and
 - (b) in sub-paragraph (b)—
 - (i) for “panel member” substitute “First-tier Tribunal”; and
 - (ii) for the words “paragraph (1)” to the end, substitute “Tribunal Procedure Rules.”.

(10) In paragraph (9) for “legally qualified panel member who” substitute “First-tier Tribunal which”.

- (11) In paragraph (10)—
- (a) after “where the” insert “notice of”; and
 - (b) for “clerk to an appeal tribunal or to a legally qualified panel member” substitute “First-tier Tribunal”.

124. Omit regulations 35 to 38 (the panel and appeal tribunals, and consideration and determination of appeals)(a).

- 125.** In regulation 38A (appeals raising issues for decision by officers of Inland Revenue)(b)—
- (a) in paragraph (1)—
 - (i) for “an appeal tribunal and it appears to the appeal tribunal, or legally qualified panel member” substitute “the First-tier Tribunal and it appears to the First-tier Tribunal,”; and
 - (ii) omit “or legally qualified panel member, as the case may be,”; and
 - (b) in paragraph (3)(b) for “appeal tribunal” substitute “First-tier Tribunal”.

126. Omit regulations 39 to 47 and 49 to 58 (tribunal procedure)(c).

- 127.** In regulation 58A and the heading (appeal to a Commissioner by a partner)—
- (a) for “a Commissioner”, in each place, substitute “the Upper Tribunal”; and
 - (b) for “an appeal tribunal” substitute “the First-tier Tribunal”.

128. Omit Schedule 3 (qualifications of persons appointed to the panel)(d).

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- (a) Regulation 36 was amended by: regulation 2 of the Social Security and Child Support (Decisions and Appeals) (Amendment) Regulations 1999 (S.I. 1999/1466), regulation 24 of the Social Security and Child Support (Miscellaneous Amendments) Regulations 2000 (S.I. 2000/1596), regulation 2(4) of the Social Security, Child Support and Tax Credits (Decisions and Appeals) Amendment Regulations 2004 (S.I. 2004/3368) and regulation 2 of the Health and Social Care (Community Health and Standards) Act 2003 Consequential Provisions (Recovery of NHS Charges) Order 2007 (S.I. 2007/917).
 - (b) Regulation 38A was inserted by regulation 2(4) of the Social Security and Child Support (Decisions and Appeals) Amendment No 3 Regulations 1999 (S.I. 1999/1670) and amended by the Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1379).
 - (c) Regulations 39, 46 and 47 were amended by regulations 2(5), (6) and (7) of the Social Security, Child Support and Tax Credits (Decisions and Appeals) Amendment Regulations 2004 (S.I. 2004/3368). Regulations 40, 41 and 58 were amended by regulations 25, 26 and 27 of the Tax Credits (Decisions and Appeals) (Amendment) Regulations 1999 (S.I. 1999/2570). Regulation 41 was also amended by regulation 2(5) of the Social Security and Child Support (Decisions and Appeals) Amendment (No 3) Regulations 1999 (S.I. 1999/1670). Regulations 42, 54, 56, 57 and 57A were amended by regulations 25 and 29 to 32 of the Social Security and Child Support (Miscellaneous Amendments) Regulations 2000 (S.I. 2000/1596). Regulation 44 was amended by regulation 4(2) and (5) of the Child Support (Consequential Amendments and Transitional Provisions) Regulations 2001 (S.I. 2001/158). Regulation 45 was substituted by regulation 13 of the Child Support (Decisions and Appeals) (Amendment) Regulations 2000 (S.I. 2000/3185). Regulations 47, 49, 51, 53, 54, 57, 57A and 58 were amended by regulations 13 to 20 of the Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1379). Regulations 49 and 53 to 58 were amended by regulation 2(9) to (18) of the Social Security, Child Support and Tax Credits (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/337). Regulation 53 was amended by regulation 10 of the Social Security and Child Support (Decisions and Appeals), Vaccine Damage Payments and Jobseeker’s Allowance (Amendment) Regulations 1999 (S.I. 1999/2677).
 - (d) Schedule 3 was amended by regulation 2(20) of the Social Security, Child Support and Tax Credits (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/337), regulation 22 of the Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1379) and regulation 2 of the Social Security and Child Support (Decisions and Appeals) (Amendment) Regulations 2008 (S.I. 2008/1957).

Scotland Act 1998 (Cross-Border Public Authorities) (Specification) Order 1999

129. In the Schedule to the Scotland Act 1998 (Cross-Border Public Authorities) (Specification) Order 1999(a)—

- (a) omit the entry relating to “Council on Tribunals”; and
- (b) in the appropriate place in the first column insert “Administrative Justice and Tribunals Council” and in the corresponding second column insert; “Section 44 of the Tribunals, Courts and Enforcement Act (c. 15)”.

Social Security Commissioners (Procedure) Regulations 1999

130. The Social Security Commissioners (Procedure) Regulations 1999(b) may be cited as the Forfeiture Regulations 1999 and are amended as follows.

131. In the title to the Regulations and in regulation 1 (citation) for “Social Security Commissioners (Procedure)” substitute “Forfeiture”.

132. Omit regulations 2 (revocation) and 3 (transitional provisions).

133. In regulation 4 (interpretation)—

- (a) in paragraph (1) omit all definitions except for the definition of “the 1998 Act”; and
- (b) omit paragraphs (2) and (3).

134. Omit regulations 5 to 13 (general provisions and applications for leave to appeal, appeals and references).

135. In regulation 14 (references under the Forfeiture Act 1982) omit paragraphs (2) and (3).

136. Omit regulations 15 to 33 (applications for leave to appeal, appeals and references, procedure and decisions).

Scotland Act 1998 (Cross-Border Public Authorities) (Adaptation of Functions etc) Order 1999

137. In Schedule 1 to the Scotland Act 1998 (Cross-Border Public Authorities) (Adaptation of Functions etc) Order 1999(c) (Cross-Border Public Authorities)—

- (a) omit the entry relating to “Council on Tribunals”;
- (b) in the appropriate place insert “Administrative Justice and Tribunals Council”; and
- (c) for “Scottish Committee of the Council on Tribunals” substitute “Scottish Committee of the Administrative Justice and Tribunals Council”.

Road Traffic (Parking Adjudicators) (England and Wales) Regulations 1999

138. For regulation 9(4) of the Road Traffic (Parking Adjudicators) (England and Wales) Regulations 1999(d) (procedure at a hearing) substitute—

“(4) Any other adjudicator shall be entitled to attend the hearing of an appeal whether or not it is in private.”.

(a) S.I. 1999/1319.

(b) S.I. 1999/1495 was amended by the Social Security Commissioners (Procedure) (Amendment) Regulations 2000 (S.I. 2000/2854), the Social Security Commissioners (Procedure) (Amendment) Regulations 2001 (S.I. 2001/1095), the Social Security and Child Support Commissioners (Procedure) (Amendment) Regulations 2005 (S.I. 2005/207), the Social Security Commissioners (Procedure) (Amendment) Regulations 2005 (S.I. 2005/870) and paragraph 15 of Schedule 2 to the Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217).

(c) S.I. 1999/1747.

(d) S.I. 1999/1918.

Tax Credits (Payments on Account, Overpayments and Recovery) (Amendment) Regulations 1999

139. In regulation 3(a) of the Tax Credits (Payments on Account, Overpayments and Recovery) (Amendment) Regulations 1999(a)(amendments to the principal regulations) in the definition of “adjudicating authority” for the words “an appeal tribunal” to the end substitute “the First-tier Tribunal or the Upper Tribunal;”.

Social Security (Work-focused Interviews for Lone Parents) and Miscellaneous Amendments Regulations 2000

140. In regulation 9(3) of the Social Security (Work-focused Interviews for Lone Parents) and Miscellaneous Amendment Regulations 2000(b) (appeals) for “(appeal to appeal tribunal) to an appeal tribunal” substitute “(appeal to First-tier Tribunal) to the First-tier Tribunal”.

Child Support (Temporary Compensation Payment Scheme) Regulations 2000

141. In regulation 2(1)(c) of the Child Support (Temporary Compensation Payment Scheme) Regulations 2000(c) (application of the regulations) for “a child support appeal tribunal” substitute “the First-tier Tribunal”.

Special Educational Needs Tribunal Regulations 2001

142. The Special Educational Needs Tribunal Regulations 2001(d) are amended as follows.

143. In regulation 2(1) (interpretation) for the definition of “the tribunal” substitute—
““the tribunal” or “the Tribunal” means Tribiwnlys Anghenion Addysgol Arbennig Cymru or the Special Educational Needs Tribunal for Wales.”.

144. Omit regulation 30(2)(f) (right of a member of the Council on Tribunals to attend a hearing held in private).

145. After regulation 39 (review of the President’s decision) insert—

“Application for permission to appeal to the Upper Tribunal

39A.—(1) A party seeking permission to appeal on a point of law under section 336ZB of the Education Act 1996 (appeal to the Upper Tribunal) must make a written application to the tribunal for permission to appeal.

(2) An application under paragraph (1) must be sent or delivered to the Secretary of the Tribunal no later than 28 days after the latest of the dates that the Secretary of the Tribunal sent to the party making the application—

- (a) notification of the decision;
- (b) notification that an application for the decision to be reviewed has been unsuccessful; or
- (c) notification that the decision has been varied following a review.

(3) An application under paragraph (1) must—

- (a) identify the decision to which it relates;
- (b) identify the alleged error or errors of law in the decision; and
- (c) state the result the party making the application is seeking.

(a) S.I. 1999/2571.

(b) S.I. 2000/1926.

(c) S.I. 2000/3174.

(d) S.I. 2001/600. Regulations 2, 30 and 48 were amended by regulations 2, 3, 19 and 22 of the Special Educational Needs Tribunal (Amendment) Regulations 2002 (S.I. 2002/2787).

(4) The tribunal may give directions in relation to the determination of the application, and may make its decision on the application with or without a hearing.

(5) The Secretary of the Tribunal must send written notification of the tribunal's decision on the application to the parties as soon as practicable.

(6) If the tribunal has refused the application the notification under paragraph (4) must also include—

- (a) the reasons for such refusal; and
- (b) notification of the right to make an application to the Upper Tribunal for permission to appeal and the time within which, and the method by which, such application must be made.

(7) The tribunal may give permission to appeal on limited grounds, but must comply with paragraph (6) in relation to any grounds on which it has refused permission.”.

146. In regulation 48(1), (2) and (3) (orders of the court), and in the title of that regulation, for “Court” substitute “Upper Tribunal or the Court”.

Social Security (Crediting and Treatment of Contributions, and National Insurance Numbers) Regulations 2001

147. In regulation 1 of the Social Security (Crediting and Treatment of Contributions, and National Insurance Numbers) Regulations 2001 **(a)** (citation, commencement and interpretation)—

- (a) in paragraph (3) for “a Commissioner” substitute “the Upper Tribunal”; and
- (b) in paragraph (4) omit the entry relating to “Commissioner”.

Housing and Council Tax Benefit (Decisions and Appeals) Regulations 2001

148. The Housing and Council Tax Benefit (Decisions and Appeals) Regulations **(b)** are amended as follows.

149. In regulation 1 (citation, commencement and interpretation)—

- (a) in the definition of “appeal” for “an appeal tribunal” substitute “the First-tier Tribunal”;
- (b) in the definition of “official error” for “a Commissioner (construed in accordance with paragraph 23(1) of Schedule 7 to the Act)” substitute “the Upper Tribunal”; and
- (c) omit the definitions of—
 - (i) “clerk to an appeal tribunal”;
 - (ii) “financially qualified panel member”;
 - (iii) “legally qualified panel member”;
 - (iv) “panel member”; and
 - (v) “President”.

150. In regulation 2 (service of notices or documents)—

- (a) in sub-paragraph (a) omit—
 - (i) “the clerk to an appeal tribunal,”; and

(a) S.I. 2001/769. Regulations 1(3) and (4) were inserted by regulation 4(2) of the Social Security (National Insurance Credits) Amendment Regulations 2007 (S.I. 2007/2582).

(b) S.I. 2001/1002. Regulation 7(2)(d) was substituted, and regulation 8(11) was inserted, by regulation 4 of the Social Security and Child Support (Miscellaneous Amendments) Regulations 2003 (S.I. 2003/1050). Regulations 1, 19 and 23 were amended, and regulations 10A and 18 were inserted, by regulations 23, 25 to 28 of the Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1379). Regulation 20(1) was amended by paragraph 8(e) of Schedule 2 to the Social Security (Jobcentre Plus Interviews) Regulations 2002 (S.I. 2002/1703). Regulations 22 and 23 were amended by regulation 3(2) and (3) of the Social Security, Child Support and Tax Credits (Decisions and Appeals) Amendment Regulations 2004 (S.I. 2004/3368) and regulation 23 was amended by regulation 9(3) of the Social Security (Civil Partnership) (Consequential Amendments) Regulations 2005 (S.I. 2005/2878).

- (ii) “the clerk to the appeal tribunal,”; and
- (b) in sub-paragraph (b) omit “the clerk to an appeal tribunal.”.

151. In regulation 4 (revision of decisions)—

- (a) in paragraph (1)(c) for “in regulation 18, or in a case to which regulation 19 applies the time prescribed in that regulation,” substitute “by Tribunal Procedure Rules”; and
- (b) in paragraph (7)(a) for “an appeal tribunal, Commissioner” substitute “the First-tier Tribunal, Upper Tribunal”.

152. In regulation 5(5)(b) (late application for a revision) for “a Commissioner” substitute “the Upper Tribunal”.

153. In regulation 7(2)(d) (decisions superseding earlier decisions) for “an appeal tribunal or of a Commissioner” substitute “the First-tier Tribunal or of the Upper Tribunal”.

154. In regulation 8 (date from which a decision superseding an earlier decision takes effect)—

- (a) in paragraph (7) for “an appeal tribunal or of a Commissioner” substitute “the First-tier Tribunal or of the Upper Tribunal”; and
- (b) in paragraph (11)—
 - (i) for “appeal tribunal or the Commissioner’s” substitute “First-tier Tribunal or the Upper Tribunal’s”; and
 - (ii) for “Commissioner” substitute “Upper Tribunal”.

155. In regulation 9(5)(b) (effective date for late notification of change of circumstances) for “a Commissioner” substitute “the Upper Tribunal”.

156. In regulation 10A(3) (correction of accidental errors) omit “, or the time within which an appeal may be brought under regulation 18(1),”.

157. In regulation 11(2) (cases where a relevant authority may suspend)—

- (a) in sub-paragraph (b)(i) for “an appeal tribunal, a Commissioner” substitute “the First-tier Tribunal, the Upper Tribunal”; and
- (b) in sub-paragraph (b)(ii) for “a Commissioner” substitute “the Upper Tribunal”.

158. In regulation 16 (decisions against which no appeal lies) omit paragraph (2).

159. In regulation 17(5) (appeal against a decision which has been revised) for “appeal tribunal” substitute “First-tier Tribunal”.

160. Omit regulation 18 (time within which an appeal is brought).

161. In regulation 19 (late appeals)—

- (a) omit paragraphs (1) to (4);
- (b) for paragraph (5) substitute—

“(5) Where a dispute arises as to whether an appeal was brought within the time specified under Tribunal Procedure Rules the dispute shall be referred to, and determined by, the First-tier Tribunal.

(5A) The relevant authority may treat a late appeal as made in time in accordance with Tribunal Procedure Rules if the relevant authority is satisfied that it is in the interests of justice.”;

- (c) in paragraph (6)—

- (i) for “(5)(b)” substitute “(5)”;
- (ii) for “grant an application unless the panel member or the relevant authority, as the case may be” substitute “treat the appeal as made in time unless the relevant authority”;

- (iii) in sub-paragraphs (a) and (b) omit “to the application”; and
- (iv) for “appeal to be made” to the end substitute “appeal notice to be submitted in accordance with Tribunal Procedure Rules.”;
- (d) in paragraph (7) for “applicant”, in each place, substitute “appellant”;
- (e) in paragraph (8)—
 - (i) for “grant the application” substitute “treat the appeal as made in time”; and
 - (ii) for the words “within which” to the end, substitute “limit under Tribunal Procedure Rules and the submission of the notice of appeal, the more compelling should be the special circumstances.”;
- (f) in paragraph (9)—
 - (i) for “grant an application” substitute “treat the appeal as made in time”;
 - (ii) in sub-paragraph (a) for “these Regulations” substitute “Tribunal Procedure Rules”; and
 - (iii) in sub-paragraph (b) for “a Commissioner” substitute “the Upper Tribunal”; and
- (g) omit paragraphs (10) to (12).

162.—(1) Regulation 20 (making of appeals and applications) is amended as follows.

- (2) For the heading substitute “Notice of Appeal”.
- (3) For paragraph (1) substitute—
 - “(1) A notice of appeal made in accordance with Tribunal Procedure Rules must be made on a form approved by the relevant authority, or in such other format as the relevant authority may accept, and sent or delivered to the relevant authority.”.
- (4) For paragraph (2) substitute—
 - “(2) Except where paragraph (3) applies, where a form does not contain the information required under Tribunal Procedure Rules the form may be returned by the relevant authority to the sender for completion in accordance with the Tribunal Procedure Rules.”.
- (5) In paragraph (3)—
 - (a) omit “or application”; and
 - (b) for “paragraph (1)” substitute “Tribunal Procedure Rules”.
- (6) In paragraph (4)—
 - (a) for “an appeal or application” substitute “a notice of appeal”;
 - (b) after “the appeal” omit “or application”; and
 - (c) for “paragraph (1)” substitute “Tribunal Procedure Rules”.
- (7) In paragraph (5) omit “or application”.
- (8) In paragraph (7)—
 - (a) in sub-paragraph (a) for “a legally qualified panel member” substitute “the First-tier Tribunal”; and
 - (b) in sub-paragraph (b)—
 - (i) for “panel member” substitute “First-tier Tribunal”; and
 - (ii) for the words “paragraph (1)” to the end, substitute “Tribunal Procedure Rules.”.
- (9) In paragraph (8) for “legally qualified panel member who” substitute “First-tier Tribunal which”.
- (10) In paragraph (9)—
 - (a) for “the appeal” substitute “the notice of appeal”; and
 - (b) for “clerk to an appeal tribunal or to a legally qualified panel member” substitute “First-tier Tribunal”.

163. Omit regulations 22 (composition of appeal tribunals) and 23 (procedure in connection with appeals).

Social Security (Contributions) Regulations 2001

164. In regulation 1(2) of the Social Security (Contributions) Regulations 2001(a) (citation, commencement and interpretation)—

- (a) omit the definition of “the Commissioner”; and
- (b) in the definition of “official error” for “a Commissioner” substitute “the Upper Tribunal”.

Road User Charging (Enforcement and Adjudication) (London) Regulations 2001

165. In the Schedule to the Road User Charging (Enforcement and Adjudication) (London) Regulations 2001(b) omit paragraph 8(4) (admission to a hearing).

Education (Special Educational Needs) (England) (Consolidation) Regulations 2001

166. The Education (Special Educational Needs) (England) (Consolidation) Regulations 2001(c) are amended as follows.

167. In regulation 2(1) (interpretation) omit the definition of “Tribunal”.

168. In regulation 12(2)(b) and (4)(b) (time limits and prescribed information) for “Tribunal”, in each place, substitute “First-tier Tribunal”.

169. In regulation 16(e)(iii) and (f)(iii) (statement of special educational needs) for “Tribunal” substitute “First-tier Tribunal”.

170. In regulation 17 (time limits and prescribed information) for “Tribunal”, in each place, substitute “First-tier Tribunal”.

171. In regulation 25(1) (compliance with tribunal orders) for “Tribunal” substitute “First-tier Tribunal”.

172. In regulation 26(1) and (2) (compliance with parents’ requests when an authority concedes an appeal to the Tribunal) and in the heading of that regulation, for “Tribunal” substitute “First-tier Tribunal”.

173. In Parts A and B of Schedule 1—

- (a) for the first occurrence in each Part of “Special Educational Needs and Disability” substitute “First-tier”; and
- (b) in the paragraph in each Part starting “When you receive”—
 - (i) in the first sentence for “Special Educational Needs and Disability Tribunal” substitute “First-tier Tribunal, which hears appeals in relation to decisions on assessments and statements of special educational needs”;
 - (ii) for “within two months of getting the final statement” substitute “[insert here the time limit for appealing to the First-tier Tribunal]”;
 - (iii) for “SENDIST, 2nd Floor Old Hall, Mowden Hall, Staindrop Road DL3 9BG” substitute “[insert here the address of the First-tier Tribunal]”;
 - (iv) for “0870 241 2555” substitute “[insert here the telephone number of the First-tier Tribunal]”; and

(a) S.I. 2001/1004. The definition “the Commissioner” was inserted by regulation 3(2) of the Social Security (Contributions) (Amendment No. 8) Regulations 2007 (S.I. 2007/2520).

(b) S.I. 2001/2313.

(c) S.I. 2001/3455 Regulations 2(1), 16(f) and 26 were amended, and Parts A and B substituted, by regulations 2, 3 and 14 to 17 of the Education (Special Educational Needs) (England) (Consolidation) (Amendment) Regulations 2006 (S.I. 2006/3346).

- (v) for “<http://www.sendist.gov.uk/>” substitute “[insert here the address of the First-tier Tribunal’s website]”.

Race Relations Act 1976 (General Statutory Duty) Order 2001

174. In the Schedule to the Race Relations Act 1976 (Statutory Duties) Order 2001(a) (bodies and other persons added after commencement of general statutory duty)—

- (a) omit the entry relating to “Council on Tribunals”; and
- (b) in the appropriate place under the title “Regulatory, audit and inspection” insert “Administrative Justice and Tribunals Council”.

Race Relations Act 1976 (Statutory Duties) Order 2001

175. In Schedule 3 to the Race Relations Act 1976 (Statutory Duties) Order 2001(b) (bodies and other persons excepted by article 5(5)(B)) for “Council on Tribunals” substitute “Administrative Justice and Tribunals Council”.

Seeds (National Lists of Varieties) Regulations 2001

176. In regulation 16(4)(c)(ii) of the Seeds (National Lists of Varieties) Regulations 2001(c) (representations and hearings) for “Council on Tribunals” substitute “Administrative Justice and Tribunals Council”.

Goods Vehicles (Enforcement Powers) Regulations 2001

177. In regulation 11 of the Goods Vehicles (Enforcement Powers) Regulations 2001(d) (hearings) omit paragraph (7).

Social Security (Jobcentre Plus Interviews) Regulations 2002

178. In regulation 15(3) of the Social Security (Jobcentre Plus Interviews) Regulations 2002(e) (appeals) for “an appeal tribunal” substitute “the First-tier Tribunal”.

Child Support Appeals (Jurisdiction of Courts) Order 2002

179. The Child Support Appeals (Jurisdiction of Courts) Order 2002(f) is amended as follows.

180. In article 3 for “an appeal tribunal” substitute “the First-tier Tribunal”.

181. For article 5 substitute—

“5. Regulation 32 of Regulations and Rule 23 of the Tribunal Procedure (First-tier Tribunal) (Social Entitlement Chamber) Rules 2008 apply to appeals brought under this Order as if the word “Tribunal” is read as “court”.”.

Special Educational Needs and Disability Tribunal (General Provisions and Disability Claims Procedure) Regulations 2002

182. The Special Educational Needs and Disability Tribunal (General Provisions and Disability Claims Procedure) Regulations 2002(g) are amended as follows.

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- (a) S.I. 2001/3457.
 - (b) S.I. 2001/3458.
 - (c) S.I. 2001/3510.
 - (d) S.I. 2001/3981.
 - (e) S.I. 2002/1703.
 - (f) S.I. 2002/1915.
 - (g) S.I. 2002/1985.

183. In regulation 1(2) and (3) (application) for “Special Educational Needs and Disability Tribunal” substitute “tribunal”.

184. In regulation 2 (interpretation) for the definition of “the tribunal” substitute—

““the tribunal” means Tribiwnlys Anghenion Addysgol Arbennig Cymru or the Special Educational Needs Tribunal for Wales referred to in section 333(1ZA) of the 1996 Act (constitution of welsh tribunal);”.

185. In regulation 3 (members of lay panel) for “the Secretary of State as respects England, or the National Assembly for Wales as respects Wales, is” substitute “the Welsh Ministers are”.

186. In regulation 4 (establishment of tribunals) for “Special Educational Needs and Disability Tribunal” substitute “tribunal”.

187. In regulation 30 (right of a member of the Council on Tribunals to attend a hearing held in private) omit paragraph (2)(f).

188. After regulation 39 (review of the President’s decision) insert—

“Application for permission to appeal to the Upper Tribunal

39A.—(1) A party seeking permission to appeal on a point of law under section 336ZB of the Education Act 1996 (appeal to the Upper Tribunal) must make a written application to the tribunal for permission to appeal.

(2) An application under paragraph (1) must be sent or delivered to the Secretary of the Tribunal no later than 28 days after the latest of the dates that the Secretary of the Tribunal sent to the party making the application—

- (a) notification of the decision;
- (b) notification that an application for the decision to be reviewed has been unsuccessful; or
- (c) notification that the decision has been varied following a review.

(3) An application under paragraph (1) must—

- (a) identify the decision to which it relates;
- (b) identify the alleged error or errors of law in the decision; and
- (c) state the result the party making the application is seeking.

(4) The tribunal may give directions in relation to the determination of the application, and may make its decision on the application with or without a hearing.

(5) The Secretary of the Tribunal must send written notification of the tribunal’s decision on the application to the parties as soon as practicable.

(6) If the tribunal has refused the application the notification under paragraph (4) must also include—

- (a) the reasons for such refusal; and
- (b) notification of the right to make an application to the Upper Tribunal for permission to appeal and the time within which, and the method by which, such application must be made.

(7) The tribunal may give permission to appeal on limited grounds, but must comply with paragraph (6) in relation to any grounds on which it has refused permission.”.

189. In regulation 48(1), (2) and (3) (orders of the court), and in the title of that regulation, for “Court” substitute “Upper Tribunal or the Court”.

Tax Credits (Payments by the Commissioners) Regulations 2002

190. In regulation 11 of the Tax Credits (Payments by the Commissioners) Regulations 2002 (postponement of payment)(a)—

- (a) in paragraphs (2) and (4), for “an appeal tribunal, a” substitute “the appropriate tribunal, the Upper Tribunal, the Northern Ireland”;
- (b) in paragraph (4)(b), for “an appeal tribunal” substitute “the appropriate tribunal”;
- (c) in paragraph (5) for “Appeal tribunal” substitute “Appropriate tribunal”; and
- (d) in paragraph (6) for “Social” substitute “Northern Ireland Social”.

Tax Credits (Appeals) Regulations 2002

191. Tax Credits (Appeals) Regulations 2002(b) are amended as follows.

192. In regulation 2 (interpretation)—

- (a) in the definition of “appeal tribunal” omit sub-paragraph (a) (and the following “or” and “(b)”); and
- (b) in the definition of “Social Security Commissioner” omit sub-paragraph (a) (and the following “and” and “(b)”).

193. In regulation 3 (application of section 54 of the Taxes Management Act 1970)—

- (a) in paragraphs (1) and (2) after “appeal tribunal” insert “or the First-tier Tribunal”; and
- (b) in paragraph (8), in the inserted subsection (6), omit sub-paragraph (a) (and the following “and” and “(b)”).

194. In regulation 4 (application of section 12 of the 1998 Act and article 13 of the 1998 Order)—

- (a) in paragraph (1) after “appeal tribunal”, in both places, insert “or the First-tier Tribunal”; and
- (b) in paragraph (2), in the substituted paragraph (1), for “an appeal tribunal” substitute “the First-tier Tribunal”.

195. In regulation 5(1) (application of section 13 of the 1998 Act and article 14 of the 1998 Order) after “appeal tribunal” insert “or the First-tier Tribunal”.

196. In regulation 6 (application of section 14 of the 1998 Act and article 15 of the 1998 Order)—

- (a) in paragraph (1)—
 - (i) for “14(1) to (10)” substitute “14(2) to (6)”; and
 - (ii) after “appeal tribunal” insert “or the First-tier Tribunal”; and
- (b) omit paragraph (2)(a).

197. In regulation 7—

- (a) in paragraph (1) omit “Section 14(11) and (12) of, and Schedule 4 to, the 1998 Act and”; and
- (b) in paragraph (2) omit “in subsection (11) of that section and”.

198. In regulation 8 (application of section 15 of the Social Security Act 1998)—

- (a) for “appeal from Commissioner on a point of law” substitute “applications for permission to appeal against a decision of the Upper Tribunal”; and
- (b) for “a Social Security Commissioner” substitute “the Upper Tribunal”.

(a) S.I. 2002/2173.

(b) S.I. 2002/2926.

199. For regulation 9(2) (application of section 16 of the 1998 Act or Article 16 of the 1998 Order) substitute—

“(2) Omit subsection (3) of section 16.”.

200. In regulation 10 (application of section 17 of the 1998 Act or article 17 of the 1998 Order)—

- (a) in paragraph (1) after “appeal tribunal” insert “the First-tier Tribunal, the Upper Tribunal”; and
- (b) in paragraph (2), in the substituted subsection (1)—
 - (i) after sub-paragraph (b) insert—

“(c) any provision made by or under Chapter 2 of Part 1 of the Tribunals, Courts and Enforcement Act 2007;”;
 - (ii) for “an appeal tribunal or lies to a Commissioner” substitute “the First-tier Tribunal or lies to the Upper Tribunal”.

201. In regulation 11 (application of section 28 of the 1998 Act and article 28 of the 1998 Order)—

- (a) in the heading omit “section 28 of the 1998 Act and”;
- (b) in paragraph (1) omit “Section 28 of the 1998 Act and”;
- (c) omit paragraph (2); and
- (d) in paragraph (4) omit “subsection (1A) of that section and”.

202. In regulation 12(2)(a) (applications of section 39 of the 1998 Act and article 39 of the 1998 Order) for “after the definition of “appeal tribunal”” substitute “in the appropriate place”.

Education (Pupil Exclusions and Appeals) (Maintained Schools) (England) Regulations 2002

203. For paragraph 11 of the Schedule to the Education (Pupil Exclusions and Appeals) (Maintained Schools) (England) Regulations 2002(a) (procedure on an appeal) substitute—

“**11.** Appeals shall be heard in private except when the local education authority direct otherwise; but if the panel so direct, one member of the local education authority may attend, as an observer, any hearing of an appeal by an appeal panel.”.

Tax Credits (Appeals) (No 2) Regulations 2002

204. The Tax Credits (Appeals) (No 2) Regulations 2002(b) are amended as follows.

205. In regulation 1(3) (citation, commencement, duration and interpretation) omit the definitions of—

- (a) “a case”;
- (b) “clerk to the appeal tribunal”;
- (c) “the date of notification”;
- (d) “decision”;
- (e) “financially qualified panel member”;
- (f) “legally qualified panel member”;

(a) S.I. 2002/3178.

(b) S.I. 2002/3196. Regulation 9 was amended by paragraph 36(3) of Schedule 3 to the Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc Provisions) Order 2005 (S.I. 2005/2877). Regulations 12, 16 and 17 were amended by regulation 6 of the Social Security, Child Support and Tax Credits (Decisions and Appeals) Amendment Regulations 2004 (S.I. 2004/3368). Regulations 18 and 21 to 27 were amended, and regulation 26A was inserted, by regulation 4(3) to (11) of the Social Security, Child Support and Tax Credits (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/337).

- (g) “medically qualified panel member”;
- (h) “panel”;
- (i) “panel member”;
- (j) “panel member with a disability qualification”;
- (k) “penalty determination”;
- (l) “penalty proceedings”; and
- (m) “President”.

206. In regulation 2 (service of notices or documents)—

- (a) in sub-paragraph (a) omit—
 - (i) “to the clerk to the appeal tribunal or”; and
 - (ii) “by the clerk of the appeal tribunal or”; and
- (b) in sub-paragraph (b) omit “the clerk to the appeal tribunal or”.

207. In regulation 3 (other persons with a right of appeal or a right to make an application for a direction) for “an appeal tribunal” substitute “the First-tier Tribunal”.

208. In regulation 4 (time within which appeal is to be brought) for “a legally qualified panel member” substitute “the First-tier Tribunal”.

209. In regulation 5 (late appeals)—

- (a) in paragraph (1)—
 - (i) for “The time within which an appeal must be brought may be extended” substitute “The Board may treat a late appeal as made in time”; and
 - (ii) for “(2)” substitute “(4)”;
- (b) omit paragraphs (2) and (3);
- (c) for paragraph (4) substitute—

“(4) An appeal may be treated as made in time if the Board is satisfied that it is in the interests of justice.”;
- (d) in paragraph (5)—
 - (i) for “grant the application unless the panel member is, or the Board are, as the case may be,” substitute “treat the appeal as made in time unless the Board are”; and
 - (ii) in sub-paragraphs (a) and (b) omit “to the application”;
- (e) in paragraph (6) for “applicant” substitute “appellant”;
- (f) in paragraph (7)—
 - (i) for “grant an application” substitute “treat the appeal as made in time”; and
 - (ii) for the words “making of the application” to the end substitute “submission of the notice of appeal, the more compelling should be the special circumstances.”;
- (g) in paragraph (8)—
 - (i) for “grant an application” substitute “treat the appeal as made in time”; and
 - (ii) in sub-paragraph (b) for “a Commissioner” substitute “the Upper Tribunal”; and
- (h) omit paragraphs (9) to (11).

210. Omit regulations 6, 7 and 9 to 27 (procedure on appeal).

Child Benefit and Guardian's Allowance Administration Regulations 2003

211. In regulation 2 of the Child Benefit and Guardian's Allowance Administration Regulations 2003(a) (interpretation) in the definition of "adjudicating authority"—

- (a) in sub-paragraph (b) omit "Chapter 1 of Part 1 of the Social Security Act 1998 or";
- (b) in sub-paragraph (c) omit "within the meaning of section 39(1) of that Act or"; and
- (c) after sub-paragraph (c) insert—
 - "(d) the First-tier Tribunal or the Upper Tribunal;"

Child Benefit and Guardian's Allowance (Decisions and Appeals) Regulations 2003

212. The Child Benefit and Guardian's Allowance (Decisions and Appeals) Regulations 2003(b) are amended as follows.

213. In regulation 2(1) (interpretation)—

- (a) in the definition of "appeal tribunal" omit sub-paragraph (a) (and the following "(b)");
- (b) in the definition of "clerk to the appeal tribunal" omit sub-paragraph (a) (and the following "(b)");
- (c) in the definition of "Commissioner" omit sub-paragraph (a) (and the following "(b)");
- (d) in the definition of "legally qualified panel member" omit sub-paragraph (a) (and the following "(b)"); and
- (e) in the definition of "panel" omit "section 6 or".

214. In regulation 6(6)(b) (late application for revision of decisions) after "a Commissioner" insert ", the Upper Tribunal".

215. In regulation 8 (Revision of decisions against which there has been an appeal)—

- (a) in paragraph (2)—
 - (i) after "an appeal tribunal" insert "or the First-tier Tribunal"; and
 - (ii) for "regulation 29 applies within the time prescribed by that regulation" substitute "regulations 29 and 29A apply within the time prescribed by those regulations"; and
- (b) in paragraph (3)(b), (c) and (d) after "an appeal tribunal" insert "or the First-tier Tribunal".

216. In regulation 10(3) (revision of decisions arising from official error etc) after "a Commissioner" insert ", the Upper Tribunal".

217. In regulation 13(2)(c) (cases and circumstances in which superseding decisions may be made) after "an appeal tribunal" insert "the First-tier Tribunal, the Upper Tribunal".

218. In regulation 16 (date as from which superseding decisions take effect)—

- (a) in paragraphs (7) and (8) after "an appeal tribunal", in each place, insert "the First-tier Tribunal, the Upper Tribunal";
- (b) in paragraph (8) after "determination of" insert "the Upper Tribunal,"; and
- (c) in paragraph (9A) after "a Commissioner" insert ", the Upper Tribunal".

219. In regulation 17(6)(b) (effective date for late notifications of change of circumstances) after "a Commissioner" insert ", the Upper Tribunal".

220. In regulation 18 (suspension in prescribed cases)—

(a) S.I. 2003/492.

(b) S.I. 2003/916. Regulation 13(2) was amended, and paragraph 9A of regulation 16 was inserted, by the Child Benefit and Guardian's Allowance (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/343).

- (a) in paragraph (3)—
 - (i) in sub-paragraph (a) after “an appeal tribunal,” insert “the First-tier Tribunal, the Upper Tribunal,”; and
 - (ii) in sub-paragraph (b) after “a Commissioner” insert “, the Upper Tribunal”;
- (b) in paragraph (4)—
 - (i) after “where an appeal tribunal,” insert “the First-tier Tribunal, the Upper Tribunal,”;
 - (ii) in sub-paragraphs (a), (b) and (c) after “appeal tribunal” insert “or First-tier Tribunal”;
 - (iii) in sub-paragraph (c) after “leave”, in both places, insert “or permission”;
- (c) in paragraph (5)—
 - (i) in sub-paragraph (a) after “appeal tribunal” insert “or First-tier Tribunal”;
 - (ii) in sub-paragraph (b) after “leave” insert “or permission”.

221. In regulation 21 (making of payments which have been suspended)—

- (a) in paragraph (3)—
 - (i) in sub-paragraph (a) after “an appeal tribunal” insert “or the First-tier Tribunal”;
 - (ii) in sub-paragraph (b) after “an appeal tribunal,” insert “the First-tier Tribunal, the Upper Tribunal”;
 - (iii) in sub-paragraphs (b) to (d) after “leave”, in each place, insert “or permission”;
- (b) in paragraph (4)—
 - (i) after “Commissioner” insert “, the Upper Tribunal”;
 - (ii) after “leave”, in each place, insert “or permission”.

222. In regulation 23 (appeals involving issues that arise on appeal in other cases) after “leave” insert “or permission”.

223. In regulation 25(1) (decisions against which no appeal lies) after “appeal tribunal” insert “or to the First-tier Tribunal”.

224. In regulation 28—

- (a) in paragraph (1) after “appeal tribunal” insert “or the First-tier Tribunal”;
- (b) in paragraph (3) after “member” insert “or, as the case may be, the First-tier Tribunal”;
- and
- (c) in paragraph (4) after “29” insert “or, as the case may be, regulation 29A”.

225. In regulation 29 (late appeals)—

- (a) in the heading after “appeals” insert “to the appeal tribunal”;
- and
- (b) in paragraph (1) after “brought” insert “to an appeal tribunal”.

226. After regulation 29 (late appeals to an appeal tribunal) insert—

“29A. Late appeals to the First-tier Tribunal

In respect of an appeal to the First-tier Tribunal, the Board may treat a late appeal as made in time in accordance with Tribunal Procedure Rules if the Board is satisfied that it is in the interests of justice, but no appeal shall in any event be brought more than one year after the expiration of the last day for appealing under regulation 28.”.

227. In regulation 30 (interests of justice)—

- (a) in paragraph (1)—
 - (i) after “29” insert “and regulation 29A”;

- (ii) after “grant an application” substitute “or, as the case may be, treat the appeal as made in time”;
 - (iii) omit “under that regulation”; and
 - (iv) in sub-paragraphs (a) and (b) omit “to the application”.
- (b) in paragraph (4)—
- (i) after “29” insert “or, as the case may be, treat the appeal as made in time under regulation 29A”; and
 - (ii) after “making of the application” insert “or, as the case may be, submission of a notice of appeal”; and
- (c) in paragraph (5)—
- (i) after “29” insert “or, as the case may be, treat the appeal as made in time under regulation 29A”; and
 - (ii) in sub-paragraph (b) after “a Commissioner” insert “, the Upper Tribunal”.

228. In regulation 31 (making of appeals or applications)—

- (a) after paragraph (1) insert—
- “(1A) A notice of appeal to the First-tier Tribunal made in accordance with Tribunal Procedure Rules must be made on a form approved by the Board, or in such other format as the Board may accept.
- (1B) Except where paragraph (3) applies, in respect of an appeal to the First-tier Tribunal, where a form does not contain the information required under Tribunal Procedure Rules the form may be returned by the Board to the sender for completion in accordance with the Tribunal Procedure Rules.”.
- (b) in paragraph (2) for “An Approved” substitute “In respect of an appeal to the appeal tribunal an approved”;
- (c) in paragraphs (3) and (4) after “paragraph (1)” insert “or, as the case may be, Tribunal Procedure Rules”;
- (d) in paragraph (7)—
- (i) after “panel member who” insert “, or, as the case may be, the First-tier Tribunal which,”; and
 - (ii) in sub-paragraph (a) after “paragraph (1)” insert “or, as the case may be, Tribunal Procedure Rules”; and
- (e) in paragraph (8) after “panel member who” insert “, or, as the case may be, First-tier Tribunal which,”.

229. In regulation 32 (discontinuing action on appeals)—

- (a) after “appeal to an appeal tribunal” insert “or to the First-tier Tribunal”; and
- (b) in sub-paragraph (a) after “panel member” insert “or, as the case may be, the First-tier Tribunal”.

Education (Prohibition from Teaching or Working with Children) Regulations 2003

230. The Education (Prohibition from Teaching or Working with Children) Regulations 2003(a) are amended as follows.

231. In regulation 2 (interpretation) omit the definition of “Tribunal”.

232. In regulation 10(1), (2) and (3) (review by the tribunal), and in the title of that regulation, for “Tribunal” substitute “First-tier Tribunal”.

(a) S.I. 2003/1184. Regulation 10A was inserted by regulation 10 of the Education (Prohibition from Teaching or Working with Children) Regulations 2007 (S.I. 2007/195).

233. In regulation 10A(2) and (3) for “Tribunal” substitute “First-tier Tribunal”.

234. In regulation 11(1) and (5) for “Tribunal” substitute “First-tier Tribunal”.

235. In regulation 12(1) (appeals) for “Tribunal” substitute “First-tier Tribunal”.

236. In regulation 13(1) and (2) (the tribunal’s powers), and in the title of that regulation, for “Tribunal” substitute “First-tier Tribunal”.

Social Security (Jobcentre Plus Interviews for Partners) Regulations 2003

237. In regulation 14(3) of the Social Security (Jobcentre Plus Interviews for Partners) Regulations 2003(a) (appeals) for “an appeal tribunal” substitute “the First-tier Tribunal”.

Leasehold Valuation Tribunals (Procedure) (England) Regulations 2003

238. For regulation 21 of the Leasehold Valuation Tribunals (Procedure) (England) Regulations 2003(b) (attendance by member of Council on Tribunals) substitute—

“Attendance by member of Administrative Justice and Tribunals Council

21. A member of the Administrative Justice and Tribunals Council, who is acting in that capacity, may attend any inspection for which any necessary consent has been obtained.”.

Social Security (Incapacity Benefit Work -focused Interviews) Regulations 2003

239. In regulation 12(3) of the Social Security (Incapacity Benefit Work - focused Interviews) Regulations 2003(c) (appeals) for “(appeal to appeal tribunal) to an appeal tribunal” substitute “(appeal to First-tier Tribunal) to the First-tier Tribunal”.

Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004

240. The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004(d) are amended as follows.

241. In regulation 2(1) (interpretation)—

(a) omit the definition of “chairman”;

(b) after the definition of “Employment Act” insert—

““Employment Judge” has the meaning given in section 3A of the Employment Tribunals Act;”;

(c) in the definitions of “Employment Tribunal Office”, “Regional Chairman”, and “tribunal” for “chairman”, in each place, substitute “Employment Judge”;

(d) in the definition of “hearing”—

(i) for “a chairman” substitute “an Employment Judge; and

(ii) for “the chairman” substitute “the Employment Judge”; and

(e) in the definitions of “panel of chairmen” and “Regional Chairman” for “chairmen” substitute “Employment Judges”.

(a) S.I. 2003/1886.

(b) S.I. 2003/2099.

(c) S.I. 2003/2439.

(d) S.I. 2004/1861. Regulation 2 was amended by article 2 of and paragraphs 73, 74(1) to (4) of Schedule 1 to the Lord Chancellor (Transfer of Functions and Supplementary Provisions) Order 2006 (S.I. 2006/680). Regulations 3(1) and (3) and 15(1), and paragraphs 8(2) and 48(6) of Schedule 1 were substituted, and Schedule 6 was inserted, by regulations 2(1), (4), (5), (6)(a), (9)(a) and (d) and (11) of the Employment Tribunals (Constitution and Rules of Procedure) (Amendment) Regulations 2004 (S.I. 2004/2351). Paragraphs 38(2), 39(1) and 43(1) of Schedule 1 were amended by regulation 2(4)(i) of the Employment Tribunals (Constitution and Rules of Procedure) (Amendment) (No 2) Regulations 2005 (S.I. 2005/1865).

- 242.** In regulation 3 (overriding objective)—
- (a) in paragraph (1) for “chairmen” substitute “Employment Judges”; and
 - (b) in paragraphs (3) and (4) for “chairman” substitute “Employment Judge”.
- 243.** In regulation 4(1) and (2) (President of employment tribunals) for “chairmen” substitute “Employment Judges”.
- 244.** In regulation 5(2) (establishment of employment tribunals)—
- (a) for “Chairman” substitute “Employment Judge”; and
 - (b) for “chairmen” substitute “Employment Judges”.
- 245.** In regulation 6 (regional chairmen)—
- (a) for “chairmen”, in each place (including the heading), substitute “Employment Judges”; and
 - (b) for “chairman”, in each place, substitute “Employment Judge”.
- 246.** In regulation 7 (Vice President) for “chairmen”, in each place, substitute “Employment Judges”.
- 247.** In regulation 8(3)(a), (4) and (5) (panels of members of tribunals – general) for “chairmen” substitute “Employment Judges”.
- 248.** In regulation 9 (composition of tribunals - general)—
- (a) in paragraph (1) for “chairmen” substitute “Employment Judges”;
 - (b) in paragraphs (1) and (2) for “a chairman” substitute “an Employment Judge”; and
 - (c) in paragraphs (1) to (4) for “chairman” in each place, substitute “Employment Judge”.
- 249.** In regulation 10(a) (panels of members of tribunals – national security proceedings) for “chairmen”, in both places, substitute “Employment Judges”.
- 250.** In regulation 11 (composition of tribunals – national security proceedings)—
- (a) for “Chairman”, in each place, substitute “Employment Judge”; and
 - (b) for “a chairman”, in each place, substitute “an Employment Judge”.
- 251.** In regulation 13 (practice directions) for “chairmen” substitute “Employment Judges”.
- 252.** In regulation 15(1) and (4) (calculation of time) for “a chairman” substitute “an Employment Judge”.
- 253.** In regulation 16(2) (application of Schedules 1 - 5 to proceedings) for “a chairman” substitute “an Employment Judge”.
- 254.** In regulation 17(2) (register) for “chairman” substitute “Employment Judge”.
- 255.** In Schedule 1 (the employment tribunal rules of procedure)—
- (a) in the headings of rules 12 and 31 for “chairman” substitute “Employment Judge”;
 - (b) in rules 1(8), 3(3), (7) and (8), 6(3) and (6), 7(2), 8(1),(2)(b) and (4), 10(1), 11(2) and (6), 12, 13(1), 14(1), 17(1), 18(1), (3), (4) and (7), 19(1), 20(1) and (4), 22(8), 23(2), 25(5), 27(7), 28(2), 30(5), 33(1), (3) and (5), 34(1), 35(1), 36(3), 46(2), 50(1) and (3), 52(b), 60(2) and 61(1) for “a chairman”, in each place, substitute “an Employment Judge”;
 - (c) in rules 3(3), (4), (5) and (9), 4(4), 6(3) to (5), 8(3), 10(1), (2)(f), (k) and (r) and (8), 11(2) and (3), 14(2), (3) and (6), 15(1), 16, 18(2), (5), (7)(f) and (9), 19(1), 20(1) to (3) and (4)(b), 23(2), 27(1), 28(3) and (4), 29(1), 30(1), (2), (4) and (6)(a), 31, 32(2), 33(4), (6) and (7), 34(5), 35(3) and (4), 36, 37(1), 38(1), (2), (7), (9) and (10), 39(1), 40(1), (2) and (4), 41(2), 42(1), (5), (7) and (8), 43(1), 44(1), (2) and (4), 45(1), (2) and (3), 46, 47(1) and (2)(b), 48(1), (2), (6), (7) and (9), 49, 50(2), (6) to (10), 52, 54, 55(1), 57(1) and (3),

58, 60(1) and 61(4)(h)(ii) and (6) for “chairman”, in each place, substitute “Employment Judge”;

- (d) in rules 13(3) and 28(1) for “Chairmen” substitute “Employment Judges”; and
- (e) in rule 16(2) omit the words from “A member of the Council on Tribunals” to the end.

256. In Schedule 2 (the employment tribunal (national security) rules of procedure)—

- (a) in rules 6(1) and 10(3) for “a chairman”, in each place, substitute “an Employment Judge”;
- (b) in rules 3(1)(b), (2) and (3), 4(2), 6, 8(1), (3) to (5) and (7), 9 and 10(1), (3) and (4) for “chairman”, in each place, substitute “Employment Judge”; and
- (c) in rule 9(2) for “Council on Tribunals” substitute “Administrative Justice and Tribunals Council”.

257. In rule 8(1) of Schedule 3 (the employment tribunals (levy appeals) rules of procedure)—

- (a) for “a chairman” substitute “an Employment Judge”; and
- (b) for “the chairman” substitute “the Employment Judge”.

258. In Schedule 4 (the employment tribunals (health and safety – appeals against improvement and prohibition notices) rules of procedure)—

- (a) in rule 7(1) for “a chairman” substitute “an Employment Judge”; and
- (b) in rules 6(3) and (4), 7, 8, 9(3) and 10(1) and (4) for “chairman”, in each place, substitute “Employment Judge”.

259. In Schedule 6 (the employment tribunals (equal value) rules of procedure)—

- (a) in rules 6(3)(d), 10(2)(b) and (e), 11(5) and 13(3) for “a chairman”, in each place, substitute “an Employment Judge”; and
- (b) in rules 3(1), 5(1)(c), 6(2) and (3), 10(2)(d) and 12(2) for “chairman”, in each place, substitute “Employment Judge”.

Child Trust Funds (Non-tax Appeals) Regulations 2005

260. The Child Trust Funds (Non-tax Appeals) Regulations 2005(a) are amended as follows.

261. In regulation 2 (interpretation)—

- (a) in the definition of “appeal tribunal” omit (a) (and the following “(b)”);
- (b) in the definition of “child trust fund appeal” after “Commissioner” insert “or to the First-tier Tribunal or lies to the Upper Tribunal”; and
- (c) in the definition of “Social Security Commissioner” omit sub-paragraph (a) (and the following “(b)”).

262. In regulation 3(1) (prescribed manner of notice of appeal) after “notice of appeal” insert “, in respect of an appeal to an appeal tribunal.”.

263. In regulation 4 (application of section 54 of the Taxes Management Act 1970)—

- (a) in paragraphs (1) and (2) after “appeal tribunal” insert “or the First-tier Tribunal”; and
- (b) in paragraph (6), in the inserted subsection (6), omit paragraph (a) (and the following “(b)”).

264. In regulation 5 (application of sections 5 to 7 of and Schedule 1 to the 1998 Act or articles 6 to 8 of and Schedule 1 to the 1998 Order)—

- (a) in the heading omit “sections 5 to 7 and Schedule 1 to the 1998 Act or”;

(a) S.I. 2005/191.

- (b) in paragraph (1) omit “Sections 5 to 7 and paragraphs 7, 11 and 12 of Schedule 1 to the 1998 Act or, in Northern Ireland,”; and
- (c) omit paragraph (2).

265. In regulation 6(1) (application of section 12 of the 1998 Act or article 13 of the 1998 Order) after “an appeal tribunal”, in both places, insert “or the First-tier Tribunal”.

266. In regulation 7 (application of section 13 of the 1998 Act or article 14 of the 1998 Order) after “appeal tribunal” insert “or the First-tier Tribunal”.

267. In regulation 8 (application of section 14 of the 1998 Act or article 15 of the 1998 Order)—

- (a) in paragraph (1)—
 - (i) for “14(1) to (10)” substitute “14(2) and (3)”;
 - (ii) after “Commissioner” insert “or the Upper Tribunal”; and
 - (iii) after “an appeal tribunal” insert “or the First-tier Tribunal”; and
- (b) in paragraph (2)—
 - (i) in sub-paragraph (a) for “(1)” substitute “(3)”;
 - (ii) at the end of sub-paragraph (c) insert “and”;
 - (iii) for sub-paragraph (d) substitute—
 - “(d) omit subsections 3(c) and (d).”; and
 - (iv) omit sub-paragraph (e).

268. In regulation 9 (application of section 14(11) and (12) of and Schedule 4 to the 1998 Act or article 15(11) to (13) of the 1998 Order)—

- (a) in the heading omit “section 14(11) and (12) of and Schedule 4 to the 1998 Act or”;
- (b) in paragraph (1) omit “Section 14(11) and (12) of, and Schedule 4 to, the 1998 Act, or, in Northern Ireland,”; and
- (c) in paragraph (2) omit “section 21(9) of the Act as modified by section 24(2) of the Act in subsection 11 of section 14 and”.

269. In regulation 10 (application of section 15 of the 1998 Act)—

- (a) for “appeal from Commissioner on point of law” substitute “Applications for permission to appeal against a decision of the Upper Tribunal”; and
- (b) for “a Social Security Commissioner” substitute “the Upper Tribunal”.

270. For regulation 11(2) (application of section 16 of the 1998 Act or article 16 of the 1998 Order) substitute—

“(2) Omit subsection (3) of section 16.”.

271. In regulation 12 (application of section 17 of the 1998 Act or article 17 of the 1998 Order)—

- (a) in paragraph (1) after “appeal tribunal” insert “, the First-tier Tribunal, the Upper Tribunal”;
- (b) in paragraph (2), in the substituted section 17(1)—
 - (i) at the end of sub-paragraph (a) omit “and”;
 - (ii) at the end of sub-paragraph (b) insert “and”;
 - (iii) after sub-paragraph (b) insert—
 - “(c) any provisions made by or under Chapter 2 of Part 1 of the Tribunals, Courts and Enforcement Act 2007 (c.15)”;
 - (iv) for “an appeal tribunal or lies to a Commissioner” substitute “the First-tier Tribunal or lies to the Upper Tribunal”.

272. In regulation 13 (application of section 28 of the 1998 Act or article 28 of the 1998 Order)—

- (a) in the heading omit “section 28 of the 1998 Act or”;
- (b) in paragraph (1) omit “Section 28 of the 1998 Act (“section 28”) or, in Northern Ireland,”;
- (c) in paragraph (2) omit “subsection (1A) of section 28 and”; and
- (d) omit paragraph (3).

273. In regulation 14(2) (application of section 39 of the 1998 Act or article 39 of the 1998 Order) in the definition of “child trust fund appeal” inserted into section 39 for “an appeal tribunal or lies to a Social Security Commissioner” substitute “the First-tier Tribunal or lies to the Upper Tribunal”.

274. Omit regulation 15(2)(a) (application of sections 79, 80 and 84 of the 1998 Act or Articles 74 and 75 of the 1998 Order).

Asylum and Immigration Tribunal (Procedure) Rules 2005

275. In rule 54 of the Asylum and Immigration Tribunal (Procedure) Rules 2005(a) (admission of public to hearings) omit paragraph (5).

Armed Forces and Reserve Forces (Compensation Scheme) Order 2005

276. The Armed Forces and Reserve Forces (Compensation Scheme) Order 2005(b) is amended as follows.

277. In article 2 (interpretation) after the definition of “additional multiple injury lump sum” insert—

““appropriate tribunal” means the appropriate tribunal as defined in section 12(1) of the Pensions Appeal Tribunals Act 1943;”.

278. In article 13(b)(iv) (interpretation of Part 3) after “Commissioner” insert “, the First-tier Tribunal, the Upper Tribunal”.

279. In article 15B(6)(d) (additional multiple injury lump sum) after “Commissioner” insert “, the First-tier Tribunal, the Upper Tribunal”.

280. In article 43(3)(b) (decisions) for “a Pension Appeal Tribunal” substitute “the appropriate tribunal”.

281. In article 45 (reconsideration)—

- (a) in paragraph (4) for “a Pension Appeal Tribunal” substitute “the appropriate tribunal”;
- (b) in paragraph (5) for “a Pensions Appeal Tribunal” substitute “an appropriate tribunal”; and
- (c) in paragraph (6) for “Pensions Appeal Tribunal” substitute “appropriate tribunal”.

282. In article 47(3)(b) (review on discharge on medical grounds) for “a Pensions Appeal Tribunal” substitute “the appropriate tribunal”.

283. In article 48(6)(b) (review - exceptional circumstances) for “a Pensions Appeal Tribunal” substitute “the appropriate tribunal”.

284. In article 49(4)(b) (review-ignorance or mistake) for “a Pensions Appeal Tribunal” substitute “the appropriate tribunal”.

(a) S.I. 2005/230.

(b) S.I. 2005/439. The definition of “additional multiple injury lump sum” and article 15B were inserted by the Armed Forces and Reserve Forces (Compensation Scheme) (Amendment) Order 2008 (S.I. 2008/39).

285. In article 54(3)(d) (date on which awards of benefit become payable) after “Commissioner” insert “, the First-tier Tribunal, the Upper Tribunal”.

286. In article 56 (suspension - Pensions Appeal Tribunal)—

- (a) in the heading omit “Pensions Appeal Tribunal” substitute “an appropriate tribunal”;
- (b) in paragraphs (1), (4) and (5) for “a Pensions Appeal Tribunal”, in each place, substitute “an appropriate tribunal”;
- (c) in paragraph (5) for “the Pensions Appeal Tribunal” substitute “the appropriate tribunal”;
- (d) in paragraph (6)—
 - (i) for “a Pensions Appeal Tribunal”, in both places, substitute “an appropriate tribunal”; and
 - (ii) for “an appropriate Commissioner” substitute “a Commissioner or the Upper Tribunal, as the case may be”; and
- (e) in paragraph (7)(b) after “that Act” insert “or section 11 of the Tribunals, Courts and Enforcement Act 2007”.

287.—(1) Article 57 (suspension - Social Security Commissioner) is amended as follows.

(2) In the heading after “Commissioner” insert “and Upper Tribunal”.

(3) In paragraph (1)—

- (a) for “an appropriate” substitute “a”; and
- (b) after “1943” insert “or, as the case may be, the Upper Tribunal under section 13 of the Tribunals Courts and Enforcement Act 2007 (c.15)”.

(4) In paragraph (5)—

- (a) for “an appropriate” substitute “a”; and
- (b) after “1943” insert “or, as the case may be, the Upper Tribunal under section 13 of the Tribunals Courts and Enforcement Act (c.15)”.

(5) In paragraph (6)—

- (a) in sub-paragraph (a) after “1943” insert “or, as the case may be, section 13 of the Tribunals Courts and Enforcement Act (c.15)”;
- (b) in sub-paragraph (b) for “that Act” substitute “the 1943 Act or an application for permission to appeal under section 13(4) of the 2007 Act”; and
- (c) in sub-paragraph (e)—
 - (i) for “an appropriate” substitute “a”; and
 - (ii) omit “a Great Britain Social Security Commissioner or”.

Pension Protection Fund (Review and Reconsideration of Reviewable Matters) Regulations 2005

288. In regulation 27 of the Pension Protection Fund (Review and Reconsideration of Reviewable Matters) Regulations 2005(a) (meetings of the Reconsideration Committee) for “Council on Tribunals”, in both places, substitute “Administrative Justice and Tribunals Council”.

Pension Protection Fund (PPF Ombudsman) Order 2005

289. In article 7(2)(k) of Pension Protection Fund (PPF Ombudsman) Order 2005(b) (restrictions on the disclosure of information) for “Council on Tribunals”, in both places, substitute “Administrative Justice and Tribunals Council”.

(a) S.I. 2005/669.

(b) S.I. 2005/824. Article 7(2)(k) was inserted by article 2(b)(iii) of the Pension Protection Fund (PPF Ombudsman) Amendment Order 2005 (S.I. 2005/2023).

Child Trust Funds (Appeals) Regulations 2005

290. The Child Trust Funds (Appeals) Regulations 2005(a) are amended as follows.

291.—(1) Regulation 1 (citation, commencement, duration and interpretation) is amended as follows.

(2) In paragraph (3)—

- (a) in the definition of “appeal” for “an appeal tribunal” substitute “the First-tier Tribunal”; and
- (b) omit the definitions of—
 - (i) “clerk to the appeal tribunal”;
 - (ii) “decision notice”;
 - (iii) “financially qualified panel member”;
 - (iv) “legally qualified panel member”; and
 - (v) “the President”.

(3) Omit paragraph (4).

292. In regulation 2 (service of notices or documents)—

- (a) in sub-paragraph (a) omit—
 - (i) “the clerk to the appeal tribunal or to”; and
 - (ii) “the clerk to the appeal tribunal or by”; and
- (b) in sub-paragraph (b) omit “the clerk to the appeal tribunal or”.

293. In regulation 3 (disputes about notices of appeal) for “a legally qualified panel member” substitute “the First-tier Tribunal”.

294. In regulation 4 (late appeals)—

- (a) in paragraph (1) for “(2) to (8) are satisfied, an appeal may be” substitute “(4) to (8) are satisfied, the Board may treat an appeal as made in time where an appeal is”;
- (b) omit paragraphs (2) and (3);
- (c) for paragraph (4) substitute—

“(4) The Board must not treat the appeal as made in time unless the Board is satisfied that it is in the interests of justice.”;
- (d) in paragraph (5)—
 - (i) for “grant an application unless the panel member is, or the Board are, as the case may be,” substitute “treat the appeal as made in time unless the Board are”; and
 - (ii) in sub-paragraphs (a) and (b) omit “to the application”;
- (e) in paragraph (6) for “applicant”, in each place, substitute “appellant”;
- (f) in paragraph (7)—
 - (i) for “grant the application” substitute “treat the appeal as made in time”; and
 - (ii) for the words “making of the application” to the end substitute “submission of the notice of appeal, the more compelling should be the special circumstances.”;
- (g) in paragraph (8)—
 - (i) for “grant an application” substitute “treat the appeal as made in time”;
 - (ii) in sub-paragraph (a) for “applicant” substitute “appellant”; and
 - (iii) in sub-paragraph (b) for “a Social Security Commissioner” substitute “the Upper Tribunal”; and

(a) S.I. 2005/990.

(h) omit paragraphs (9) and (10).

295. Omit regulations 6 to 25.

Residential Property Tribunal (Right to Buy Determinations) Procedure (England) Regulations 2005

296. The Residential Property Tribunal (Right to Buy Determinations) Procedure (England) Regulations 2005(a) are amended as follows.

297. In regulation 12(2)(b) (inspection of property and neighbourhood), for “Council on Tribunals” substitute “Administrative Justice and Tribunals Council”.

298. In regulation 26 (persons entitled to be present at a hearing held in private) omit paragraph (1)(b).

Pension Protection Fund (Reference of Reviewable Matters to the PPF Ombudsman) Regulations 2005

299. In regulation 14 of the Pension Protection Fund (Reference of Reviewable Matters to the PPF Ombudsman) Regulations 2005(b) (Council on Tribunals) for “Council on Tribunals” in each place (including the heading) substitute “Administrative Justice and Tribunals Council”.

Bus Lane Contraventions (Penalty charges, Adjudication and Enforcement) (England) Regulations 2005

300. In regulation 20(4) of the Bus Lane Contraventions (Penalty charges, Adjudication and Enforcement) (England) Regulations 2005(c) (procedure at a hearing) substitute—

“(4) Any other adjudicator shall be entitled to attend the hearing of an appeal whether or not it is in private.”.

Financial Assistance Scheme (Appeals) Regulations 2005

301. The Financial Assistance Scheme (Appeals) Regulations 2005(d) are amended as follows.

302. In regulation 21 (Council on Tribunals) for “Council on Tribunals”, in each place (including the heading), substitute “Administrative Justice and Tribunals Council”.

303. In regulation 28 paragraph (3)(l) (restriction on use of documents and information provided for investigations) for “Council on Tribunals” in both places, substitute “Administrative Justice and Tribunals Council”.

Victims of Violent Intentional Crime (Arrangements for Compensation) (European Communities) Regulations 2005

304. The Victims of Intentional Crime (Arrangements for Compensation) (European Communities) Regulations 2005(e) are amended as follows.

305. For regulation 4(1)(b) (designation of deciding authorities) for “Criminal Injuries Compensation Appeals Panel” substitute “First-tier Tribunal”.

306. In regulation 11(2) (hearing of the applicant for compensation)—

(a) S.I. 2005/1509.
(b) S.I. 2005/2024.
(c) S.I. 2005/2757.
(d) S.I. 2005/3273.
(e) S.I. 2005/3396.

- (a) for “Criminal Injuries Compensation Appeals Panel”, in both places, substitute “First-tier Tribunal”; and
- (b) for “Criminal Injuries Compensation Scheme 2001”, in both places, substitute “Tribunal Procedure Rules”.

Public Contracts Regulations 2006

307. In Schedule 1 to the Public Contracts Regulations 2006(a) (GPA annex 1 contracting authorities) omit the first entry relating to the Pensions Appeal Tribunals.

Child Benefit (General) Regulations 2006

308. In regulation 38 of the Child Benefit (General) Regulations 2006(b) (exception to rules preventing duplicate payment)—

- (a) in paragraph (2)(b) omit “section 7 of the Social Security Act 1998 or”;
- (b) in paragraph (2)(c) omit “section 16(7) of the Social Security Act 1998 or”;
- (c) after paragraph 2(c) insert—
 - “(d) the First-tier Tribunal;
 - (e) the Upper Tribunal.”.

Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 2006

309. The Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 2006(c) is amended as follows.

310. In article 43(a) (certification) after “1943” insert “or established under the Tribunals, Courts and Enforcement Act 2007 (c.15)”.

311. In article 44(3) (review of decisions, assessments and awards) after “1943” insert “or the First-tier Tribunal”.

312.—(1) Article 61 (suspension in individual cases - pensions appeal tribunal) is amended as follows.

- (2) In the heading, omit “Pensions Appeal”.
- (3) In paragraphs (1), (4) and (5) for “a Pensions Appeal Tribunal”, in each place, substitute “an appropriate tribunal”.
- (4) In paragraph (5) for “the Pensions Appeal Tribunal” substitute “the appropriate tribunal”.
- (5) In paragraph (6)—
 - (a) for “a Pensions Appeal Tribunal”, in both places, substitute “an appropriate tribunal”; and
 - (b) for “an appropriate Commissioner” substitute “a Commissioner or the Upper Tribunal, as the case may be”.
- (6) In paragraph (8)—
 - (a) in sub-paragraph (a) after “1943” insert “or, as the case may be, section 13 of the Tribunals, Courts and Enforcement Act 2007 (c.15);
 - (b) in sub-paragraph (b) for “leave to appeal under Part 52” substitute “permission to appeal in accordance with Tribunal Procedure Rules or under Part 52”;
 - (c) after sub-paragraph (b) insert—

(a) S.I. 2006/5.
 (b) S.I. 2006/223.
 (c) S.I. 2006/606. Paragraph 3 of Schedule 3 was amended by paragraph 9(b) of Schedule 1 to the Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 2008 (S.I. 2008/606).

“(ba) “appropriate tribunal” means the appropriate tribunal as defined in section 12(1) of the Pensions Appeal Tribunals Act 1943;” and

- (d) in sub-paragraph (c)—
 - (i) for “an appropriate” substitute “a”; and
 - (ii) omit “a Great Britain Social Security Commissioner or”.

313. In article 62 (suspension - Social Security Commissioner)—

- (a) in the heading after “Commissioner” insert “and Upper Tribunal”;
- (b) in paragraphs (1) and (5)—
 - (i) for “an appropriate” substitute “a”; and
 - (ii) after “1943” insert “or, as the case may be, the Upper Tribunal under section 13 of the Tribunals, Courts and Enforcement Act 2007 (c.15)”;
- (c) in paragraph (6)—
 - (i) in sub-paragraph (a) after “1943” insert “or, as the case may be, section 13 of the Tribunals, Courts and Enforcement Act 2007 (c.15)”;
 - (ii) in sub-paragraph (b) for “that Act” substitute “the Pensions Appeal Tribunals Act 1943 or an application for permission to appeal under section 13(4) of the Tribunals, Courts and Enforcement Act 2007 (c.15)”;
 - (iii) in sub-paragraph (e) for “an appropriate” substitute “a”.

314. In Schedule 3 (commencing dates of awards)—

- (a) in paragraph 3 after “Commissioners”, in each place, insert “or the Upper Tribunal”; and
- (b) after paragraph 11 insert—

“(12) Paragraphs 4 and 8 apply to a decision of the First-tier Tribunal that a decision made by it be treated as set aside as they apply to a decision of the President of the Pensions Appeals Tribunal that the decision of a Pensions Appeal Tribunal be treated as set aside.”.

Residential Property Tribunal Procedure (England) Regulations 2006

315. The Residential Property Tribunal Procedure (England) Regulations 2006(a) are amended as follows.

316. In regulation 21(2)(b) (inspection of premises and neighbourhood), for “Council on Tribunals” substitute “Administrative Justice and Tribunals Council”.

317. In regulation 29 (persons entitled to be present at a hearing held in private) omit paragraph (1)(b).

Registered Design Rules 2006

318. In rule 20 of the Registered Design Rules 2006(b) (hearings in public) omit paragraph (6).

Health and Social Care (Community Health and Standards) Act 2003 (Commencement) (No 11) Order 2006

319. In article 4 of the Health and Social Care (Community Health and Standards) Act 2003 (Commencement) (No 11) Order 2006(c) (saving provisions)—

- (a) in paragraph (1) after “28th January 2007” insert “subject to paragraph (3)”;
- (b) after paragraph (2) insert—

(a) S.I. 2006/831.
(b) S.I. 2006/1975.
(c) S.I. 2006/3397.

“(3) The reference in section 8(6)(a) to an appeal tribunal constituted under Chapter 1 of Part 1 of the Social Security Act 1998 is to be read as a reference to the First-tier Tribunal.”

Personal Injuries (NHS Charges) (Reviews and Appeals) and Road Traffic (NHS Charges) (Reviews and Appeals) (Amendment) Regulations 2006

320. The Personal Injuries (NHS Charges) (Reviews and Appeals) and Road Traffic (NHS Charges) (Reviews and Appeals) (Amendment) Regulations 2006(a) are amended as follows.

321. In regulation 1(3) (citation, commencement, application and interpretation) omit the definitions of—

- (a) “appeal tribunal”;
- (b) “clerk to the appeal tribunal”;
- (c) “Commissioner”;
- (d) “legally qualified panel member”; and
- (e) “medically qualified panel member”.

322. In regulation 4 (waiver applications and appeals)—

- (a) for paragraph (4) substitute—

“(4) An appeal against a waiver decision made in accordance with Tribunal Procedure Rules must be made on a form approved by the Secretary of State and sent to the Compensation Recovery Unit.”; and
- (b) omit paragraph (5).

323. In regulation 5 (appeals against certificates)—

- (a) for paragraph (1) substitute—

“(1) An appeal against a certificate made in accordance with Tribunal Procedure Rules must be made on a form approved by the Secretary of State and sent to the Compensation Recovery Unit.”; and
- (b) omit paragraph (4).

324. In regulation 6 (appeals general)—

- (a) in paragraphs (1) and (2) for “under regulations 4(5) or 5(4), as the case may be” substitute “by Tribunal Procedure Rules”;
- (b) in paragraph (3) for “regulations 4(4) or 5(1), as the case may be” substitute “Tribunal Procedure Rules”;
- (c) in paragraph (5)(a) for “a legally qualified panel member” substitute “the First-tier Tribunal”;
- (d) in paragraph (5)(b)—
 - (i) for “that panel member” substitute “the First-tier Tribunal”; and
 - (ii) omit “, and shall inform the appellant, and the Secretary of State of his decision”;
and
- (e) omit paragraph (6).

325.—(1) Regulation 7 (extension of time for appealing) is amended as follows.

(2) For paragraphs (1) to (3) substitute—

(a) S.I. 2006/3398. Regulation 6 was amended by regulation 2 of the Personal Injuries (NHS Charges) (Reviews and Appeals) Amendment Regulations 2007 (S.I. 2007/1613).

“(1) The Secretary of State may treat an appeal as made in time, even though the time prescribed by Tribunal Procedure Rules has expired, if the Secretary of State is satisfied that it is in the interests of justice.”.

(3) In paragraph (4)—

- (a) for “(3)” substitute “(1)”;
- (b) for “grant an application unless the person determining the application is satisfied that” substitute “treat the appeal as made in time unless”;
- (c) in sub-paragraph (b)—
 - (i) for “, as the case may be, by regulation 4 or 5” substitute “by Tribunal Procedure Rules”; and
 - (ii) for “application for extension of time” substitute “notice of appeal is submitted”; and
- (d) in sub-paragraph (c) for “applicant’s” substitute “appellant’s”.

(4) In paragraph (5)—

- (a) for “for granting an application for an extension of time for making an appeal under paragraph (1) the person determining the application shall have regard” substitute “to treat the appeal as made in time under paragraph (1) regard shall be had”; and
- (b) for “making of the application” to the end substitute “submission of the notice of appeal, the more cogent should be the special reasons.”.

(5) In paragraph (6)—

- (a) for “for granting an application for an extension of time for making an appeal” substitute “to treat the appeal as made in time”;
- (b) in sub-paragraph (a)—
 - (i) for “applicant” substitute “appellant”; and
 - (ii) for “regulations 4 or 5” substitute “Tribunal Procedure Rules”; and
- (c) in sub-paragraph (b) for “a Commissioner” substitute “the Upper Tribunal”.

(6) Omit paragraphs (7) and (8).

(7) For paragraph (9) substitute—

“(9) An appellant shall be notified of a decision made under this regulation.”.

(8) Omit paragraphs (10) to (12).

326. For regulation 8 (general provisions relating to the procedure for appeals) substitute—

“General provision relating to the procedure for appeals

8. Regulation 34 of the Social Security Regulations shall apply in relation to an appeal as it applies to an appeal to the First-tier Tribunal under section 12 of the Social Security Act 1998, except that a reference to a party to the proceedings means the person to whom the certificate was issued.”.

327. Omit regulation 9 (consolidation of appeals).

Scottish Parliament (Disqualification) Order 2007

328. In Part 1 of the Schedule to the Scottish Parliament (Disqualification) Order 2007(a) (office-holders disqualified from being a member of the Scottish Parliament)—

- (a) omit the entries for—
 - (i) “Any member of the Council on Tribunals”;
 - (ii) “Any member of the Scottish Committee of the Council of Tribunals”;

(a) S.I. 2007/285.

- (iii) “Adjudicator appointed under section 5 of the Criminal Injuries Compensation Act 1995”; and
 - (iv) “Chief Asylum Support Adjudicator, Deputy Chief Asylum Support Adjudicator and any other adjudicator appointed under paragraph 1 of Schedule 10 to the Immigration and Asylum Act 1999”; and
- (b) after the entry for Accounts Commission for Scotland insert “Any member of the Administrative Justice and Tribunals Council or the Scottish Committee of the Administrative Justice and Tribunals Council”.

Tax Credits (Child Care Providers) (Miscellaneous Revocation and Transitional Provisions) (England) Scheme 2007

329. Article 4 of the Tax Credits (Child Care Providers) (Miscellaneous Revocation and Transitional Provisions) (England) Scheme 2007(a) (revocation of the 2005 Scheme and transitional provision) is amended as follows—

- (a) in paragraph (2) after “effect” insert “, with the modifications in paragraph (3),”; and
- (b) after paragraph (2) insert—
 - “(3) For the purposes of paragraph (2) the 2005 Scheme is amended as follows—
 - (a) in article 2 omit the definitions of “the Tribunal” and “the Tribunal Regulations”;
 - (b) in article 11—
 - (i) in paragraphs (1) and (5) for “Tribunal” substitute “First-tier Tribunal”;
 - (ii) for paragraph (2) substitute—
 - “(2) Tribunal Procedure Rules shall apply to an appeal under paragraph (1) as they apply to an appeal under section 79M of the 1989 Act.”; and
 - (c) omit paragraphs (3) and (4). ”.

European Communities (Recognition of Professional Qualifications) Regulations 2007

330. In Schedule 5 to the European Communities (Recognition of Professional Qualifications) Regulations 2007(b) (appeal bodies) for “Care Standards Tribunal”, in each place, substitute “First-tier Tribunal”.

Administrative Justice and Tribunals Council (Listed Tribunals) Order 2007

331. In article 2 of the Administrative Justice and Tribunals Council (Listed Tribunals) Order 2007(c) (list of tribunals)—

- (a) omit the following entries—
 - (i) Adjudicators under section 5 of the Criminal Injuries Compensation Act 1995;
 - (ii) Asylum Support Adjudicators;
 - (iii) Pensions Appeal Tribunals for England and Wales;
 - (iv) Special Educational Needs and Disability Tribunal; and
 - (v) Tribunal under section 9 of the Protection of Children Act 1999; and
- (b) for “Mental Health Review Tribunals for England and Wales” substitute “Mental Health Review Tribunal for Wales”.

(a) S.I. 2007/2481.
 (b) S.I. 2007/2781.
 (c) S.I. 2007/2951.

Safeguarding Vulnerable Groups Act 2006 (Transitional Provisions) Order 2008

332. The Safeguarding Vulnerable Groups Act 2006 (Transitional Provisions) Order 2008(a) is amended as follows.

333. In article 1(2) (citation, commencement and interpretation) omit the definition of “Tribunal”.

334. In article 2(5) and (6) (inclusion in the children’s barred list: persons disqualified from working with children) for “Tribunal”, in each place, substitute “Upper Tribunal”.

335. In article 4(5) and (6) (inclusion in the adults’ barred list: persons considered unsuitable to work with vulnerable adults) for “Tribunal”, in each place, substitute “Upper Tribunal”.

Safeguarding Vulnerable Groups Act 2006 (Barring Procedure) Regulations 2008

336. The Safeguarding Vulnerable Groups Act 2006 (Barring Procedure) Regulations 2008(b) are amended as follows.

337. In regulation 1 (citation, commencement and interpretation) omit the definition of “Tribunal”.

338. In regulation 4(2)(b) (the minimum barred period: persons included in the list maintained under section 1 of the Protection of Children Act 1999) for “Tribunal” substitute “Upper Tribunal”.

339. In regulation 5(2)(b) (the minimum barred period: persons subject to disqualification orders) for “Tribunal” substitute “Upper Tribunal”.

340. In regulation 6(2)(b) (the minimum barred period: persons subject to directions made under section 142(1) of the Education Act 2002) for “Tribunal” substitute “Upper Tribunal”.

341. In regulation 8(4)(b) (the minimum barred period: persons subject to previous restrictions (adults’ barred list)) for “Tribunal” substitute “Upper Tribunal”.

Employment and Support Allowance Regulations 2008

342. For regulation 40(2)(b)(ii) of the Employment and Support Allowance Regulations 2008(c) (a claimant who works to be treated as not entitled to an employment support allowance) substitute—

“(ii) a member of the First-tier Tribunal where the member is eligible for appointment to be such a member in accordance with article 2(3) of the Qualifications for Appointment of Members to the First-tier Tribunal and Upper Tribunal Order 2008(d).”.

Childcare (Early Years and General Childcare Registers) (Common Provisions) Regulations 2008

343. In regulation 12 of the Childcare (Early Years and General Childcare Registers) (Common Provisions) Regulations 2008(e) (appeal against suspensions) for “Tribunal”, in each place, substitute “First-tier Tribunal”.

(a) S.I. 2008/473.
(b) S.I. 2008/474.
(c) S.I. 2008/794.
(d) S.I. 2008/2692.
(e) S.I. 2008/976.

Social Security (Recovery of Benefits) (Lump Sum Payments) Regulations 2008

344. Schedule 1 of the Social Security (Recovery of Benefits) (Lump Sum Payments) Regulations 2008(a) (modification of certain provisions of the Act) is amended as follows—

- (a) in paragraph 5—
 - (i) for “medical appeal tribunal” substitute “First-tier Tribunal”; and
 - (ii) omit sub-paragraph (a); and
- (b) in paragraph 6 for “Social Security Commissioner” substitute “Upper Tribunal”.

Trade Marks Rules 2008

345. In rule 66 of the Trade Marks Rules 2008(b) (hearings before registrar to be in public) omit paragraph (2).

Child Support Information Regulations 2008

346. In regulation 12(1)(c) and (2) of the Child Support Information Regulations 2008(c) (disclosure of information to a court or tribunal) for “an appeal tribunal” substitute “the First-tier Tribunal”.

(a) S.I. 2008/1596.
(b) S.I. 2008/1797.
(c) S.I. 2008/2551.

SCHEDULE 2

Article 6(2)

Revocations

<i>Column 1</i> <i>Instrument revoked</i>	<i>Column 2</i> <i>Reference</i>	<i>Column 3</i> <i>Extent of revocation</i>
The Pensions Appeal Tribunals (England and Wales) Regulations 1926	S.I. 1926/129	The whole of the Regulations.
The Pensions Appeals Tribunals (England and Wales) Rules 1980	S.I. 1980/1120	The whole of the Rules.
The Pensions Appeals Tribunals (England and Wales) (Amendment) Rules 1986	S.I. 1986/366	The whole of the Rules.
The Pensions Appeals Tribunals (England and Wales) (Amendment) Rules 1998	S.I. 1998/1201	The whole of the Rules.
The Child Support (Miscellaneous Amendments) (No 2) Regulations 1999	S.I. 1999/1047	Regulation 46.
The Child Support Commissioners (Procedure) Regulations 1999	S.I. 1999/1305	The whole of the Regulations.
The Social Security and Child Support (Decisions and Appeals) (Amendment) Regulations 1999	S.I. 1999/1466	Regulation 2.
The Social Security and Child Support (Decisions and Appeals) Amendment No 3 Regulations 1999	S.I. 1999/1670	Regulation 2(5).
The Tax Credits (Decisions and Appeals) (Amendment) Regulations 1999	S.I. 1999/2570	Regulations 22, 23(2), 25, 26 and 27.
The Social Security and Child Support (Decisions and Appeals), Vaccine Damage Payments and Jobseeker's Allowance (Amendment) Regulations 1999	S.I. 1999/2677	Regulations 9 and 10.
The Asylum Support Appeals (Procedure) Rules 2000	S.I. 2000/541	The whole of the Rules.
The Social Security and Child Support (Miscellaneous Amendments) Regulations 2000	S.I. 2000/1596	Regulations 24, 25 and 29 to 32.
The Social Security Commissioners (Procedure) (Amendment) Regulations 2000	S.I. 2000/2854	The whole of the Regulations.
The Child Support (Decisions and Appeals) (Amendment) Regulations 2000	S.I. 2000/3185	Regulation 13.
The Child Support (Consequential Amendments and Transitional Provisions) Regulations 2001	S.I. 2001/158	Regulation 4(2) (in so far as it applies to regulation 44 of the Social Security and Child Support (Decisions and Appeals) Regulations 1999) and (5).
The Pensions Appeals Tribunals (England and Wales) (Amendment) Rules 2001	S.I. 2001/257	The whole of the Rules.
The Social Security Commissioners (Procedure) (Amendment) Regulations 2001	S.I. 2001/1095	Regulations 2, 3(c) to (k), 4, 5(b) and (c) and 6 to 14.
The Pensions Appeals Tribunals (England and Wales) (Amendment No 2) Rules 2001	S.I. 2001/1183	The whole of the Rules.
The Protection of Children and Vulnerable Adults and	S.I. 2002/816	The whole of the

Care Standards Tribunal Regulations 2002		Regulations.
The Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002	S.I. 2002/1379	Regulations 9, 10(a), 13 to 20, 22, 27(a) and 28.
The Social Security Commissioners (Procedure) (Tax Credits Appeals) Regulations 2002	S.I. 2002/3237	The whole of the Regulations.
The Protection of Children and Vulnerable Adults and Care Standards Tribunal (Amendment) Regulations 2003	S.I. 2003/626	The whole of the Regulations.
The Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2003	S.I. 2003/1050	Regulation 3(1).
The Protection of Children and Vulnerable Adults and Care Standards Tribunal (Amendment No.2) Regulations 2003	S.I. 2003/1060	The whole of the Regulations.
The Asylum Support Appeals (Procedure) (Amendment) Rules 2004	S.I. 2003/1735	The whole of the Rules.
The Protection of Children and Vulnerable Adults and Care Standards Tribunal (Amendment No.3) Regulations 2003	S.I. 2003/2043	The whole of the Regulations.
The Mental Health Review Tribunals (Regions) Order 2003	S.I. 2003/2251	The whole Order.
The Health and Social Care (Community Health and Standards) Act 2003 (Commission for Healthcare Audit and Inspection and Commission for Social Care Inspection) (Transitional and Consequential Provisions) Order 2004	S.I. 2004/664	Paragraph 7 of Schedule 1.
The Protection of Children and Vulnerable Adults and Care Standards Tribunal (Amendment) Regulations 2004	S.I. 2004/2073	The whole of the Regulations.
The Protection of Children and Vulnerable Adults and Care Standards Tribunal (Amendment No.2) Regulations 2004	S.I. 2004/3354	The whole of the Regulations.
The Social Security, Child Support and Tax Credits (Decisions and Appeals) (Amendment) Regulations 2004	S.I. 2004/3368	Regulations 2(4) to (7), 3(2) and (3) and 6.
The Social Security and Child Support Commissioners (Procedure) (Amendment) Regulations 2005	S.I. 2005/207	The whole of the Regulations.
The Social Security, Child Support and Tax Credits (Miscellaneous Amendments) Regulations 2005	S.I. 2005/337	Regulations 2(8) to (18) and (20) and 4(3) to (11).
The Social Security Commissioners (Procedure) (Amendment) Regulations 2005	S.I. 2005/870	The whole of the Regulations.
The Social Security Commissioners (Procedure) (Child Trust Funds) Regulations 2005	S.I. 2005/1031	The whole of the Regulations.
The Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc Provisions) Order 2005	S.I. 2005/2877	Paragraph 36(3) of Schedule 3.
The Social Security (Civil Partnership) (Consequential Amendments) Regulations 2005	S.I. 2005/2878	Regulation 9(3).
The Adoption and Children Act 2002 (Consequential Amendments) Order 2005	S.I. 2005/3504	Article 6.
The Pensions Appeals Tribunals (England and Wales) (Amendment) Rules 2005	S.I. 2005/7009	The whole of the Rules.
The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006	S.I. 2006/217	Paragraph 15 of Schedule 2.

The Protection of Children and Vulnerable Adults and Care Standards Tribunal (Amendment) Regulations 2006	S.I. 2006/1930	The whole of the Regulations.
The Transfer of Functions (Asylum Support Adjudicators) Order 2007	S.I. 2007/275	Article 6(2).
The Education and Inspections Act 2006 (Consequential Amendments) Regulations 2007	S.I. 2007/603	Regulation 11.
The Health and Social Care (Community Health and Standards) Act 2003 Consequential Provisions (Recovery of NHS Charges) Order 2007	S.I. 2007/917	The whole Order.
The Protection of Children and Vulnerable Adults and Care Standards Tribunal (Amendment) Regulations 2007	S.I. 2007/1684	The whole of the Regulations.
The Protection of Children and Vulnerable Adults and Care Standards Tribunal (Review of Inclusion in the PoCA List and Review of Section 142 Directions) Regulations 2007	S.I. 2007/2620	The whole of the Regulations.
The Secretaries of State for Children, Schools and Families, for Innovation, Universities and Skills and for Business, Enterprise and Regulatory Reform Order 2007	S.I. 2007/3224	Paragraph 32 of the Schedule.
The Protection of Children and Vulnerable Adults and Care Standards Tribunal (Children's and Adults' Barred Lists) (Transitional Provisions) Regulations 2008	S.I. 2008/1497	The whole of the Regulations.
The Protection of Children and Vulnerable Adults and Care Standards Tribunal (Amendment) Regulations 2008	S.I. 2008/1802	The whole of the Regulations.
The Child Support Commissioners (Procedure) (Amendment) Regulations 2008	S.I. 2008/1955	The whole of the Regulations.
The Social Security and Child Support (Decisions and Appeals) (Amendment) Regulations 2008	S.I. 2008/1957	The whole of the Regulations.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes consequential amendments and transitional provisions in respect of the transfer of functions of tribunals on 3rd November 2008 to the First-Tier Tribunal and Upper Tribunal, which are established with the coming into force of Part 1 of the Tribunals, Courts and Enforcement Act 2007 (“the Act”).

Consequential amendments and revocations

The Schedules to the Order make consequential amendments to, and revocations of, secondary legislation in respect of the functions of tribunals transferring to the First-tier Tribunal and Upper Tribunal on 3rd November 2008.

This Order also makes consequential amendments to secondary legislation in respect of the abolition of the Council of Tribunals and changes to the name of chairmen of employment tribunals.

Extent

The extent provisions in articles 3 and 4 preserve the current position in Scotland for appeals to the appeal tribunal constituted under Chapter 1 of Part 1 of the Social Security Act 1998 (and appeals from that tribunal to the Social Security Commissioners) in relation to appeals under sections 157 and 159 of the Health and Social Care (Community Health and Standards) Act 2003. These functions are not transferred under the Transfer of Tribunal Functions Order 2008.

Transitional Provisions

Article 5 redirects potential appeals from the appeal tribunal (constituted under Chapter 1 of Part 1 of the Social Security Act 1998) against its decisions on appeals under section 8 of the Road Traffic Act 1999, from the High Court to the Upper Tribunal, where those decisions were made prior to the transfer of the tribunal, and the appeal right to the High Court has not been initiated.

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