

SCHEDULE 3

Article 5(2)

Consequential amendments to secondary legislation

National Health Service (General Ophthalmic Services) Regulations 1986

1. The National Health Service (General Ophthalmic Services) Regulations 1986⁽¹⁾ are amended as follows.

2. In regulation 2(1) (interpretation), in the definition of “a national disqualification”, in subparagraph (a) for “FHSAA” substitute “First-tier Tribunal”.

3. In regulation 7B(1)(f), (g), (j) and (k) (deferment of decision) for “FHSAA” substitute “First-tier Tribunal”.

4. In regulation 7C and the heading (appeal to the FHSAA) for “FHSAA” substitute “First-tier Tribunal”.

5. In regulation 7D(8) to (10), (12) and (19) (conditional inclusion) for “FHSAA” substitute “First-tier Tribunal”.

6. In regulation 9D as it applies to England (notifications by Primary Care Trust), in paragraphs (6) and (8) for “FHSAA” substitute “First-tier Tribunal”.

7. In regulation 9D as it applies to Wales (notifications by Health Authorities), in paragraphs (7) and (9) for “FHSAA” substitute “First-tier Tribunal”.

8. In regulation 9E(2) (procedure on removal) for “FHSAA” substitute “First-tier Tribunal”.

9. In regulation 9H(1) (national disqualification) for “FHSAA”, in each place, substitute “First-tier Tribunal”.

National Health Service (Optical Charges and Payments) Regulations 1997

10. The National Health Service (Optical Charges and Payments) Regulations 1997⁽²⁾ are amended as follows.

11. In regulation 19A (notice as to cessation of payments)—

- (a) in paragraphs (4), (7)(a) and (b), (8), (9) and (12) for “FHSAA” substitute “First-tier Tribunal”; and
- (b) omit paragraph (13)(a).

12. In regulation 19B(5) (reviews) for the words from “FHSAA” to the end substitute “First-tier Tribunal.”.

13. In regulation 19C (reviews of stop orders)—

- (a) in paragraphs (1), (3) and (4) for “FHSAA”, in each place, substitute “First-tier Tribunal”; and
- (b) in paragraph (2)(b) for “FHSAA’s” substitute “First-tier Tribunal’s”.

(1) *S.I. 1986/975*. Amended by the National Health Service (General Ophthalmic Services) Amendment (No 2) Regulations 2001 (*S.I. 2001/3739*), the National Health Service (General Ophthalmic Services) Amendment Regulations 2002 (*S.I. 2002/601*), the National Health Service (General Ophthalmic Services) Amendment (Wales) Regulations 2002 (*S.I. 2002/1883 (W. 192)*) and the National Health Service (General Ophthalmic Services Supplementary List) and (General Ophthalmic Services) (Amendment and Consequential Amendment) (Wales) Regulations 2006 (*S.I. 2006/181 (W. 32)*). The Regulations were revoked in relation to England, with transitional provisions, by Schedule 2 to the Primary Ophthalmic Services Amendment, Transitional and Consequential Provisions Regulations 2008 (*S.I.2008/1700*).

(2) *S.I. 1997/818*. Regulations 19A to 19C were inserted by regulation 3 of the National Health Service (Optical Charges and Payments) Amendment (No 2) Regulations 2008 (*S.I. 2008/1657*).

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National Institute for Clinical Excellence Regulations 1999

14. In regulation 1(2) of the National Institute for Clinical Excellence Regulations 1999(3) (interpretation), in the definition of “national NHS disqualification”, in sub-paragraphs (a) and (b) for “FHSAA” substitute “First-tier Tribunal”.

Primary Care Trusts (Membership, Procedure and Administrative Arrangements) Regulations 2000

15. In regulation 5(1)(da)(i) of the Primary Care Trusts (Membership, Procedure and Administrative Arrangements) Regulations 2000(4) (disqualification for appointment: chairman and non-officer members) for the words from “Family Health Services Appeal Authority” to the end, substitute “First-tier Tribunal”.

Open-Ended Investment Companies Regulations 2001

16. The Open-Ended Investment Companies Regulations 2001(5) are amended as follows.
17. In regulation 2(1) (interpretation) omit the definition of “the Tribunal”.
18. Omit regulation 11 (the Tribunal).
19. In regulation 16(2)(b) (representations against refusal of authorisation) for “Tribunal” substitute “Upper Tribunal”.
20. In regulation 22(4)(b) (procedure when refusing approval of proposed changes) for “Tribunal” substitute “Upper Tribunal”.
21. In regulation 24(2) (procedure) for “Tribunal” substitute “Upper Tribunal”.
22. In regulation 27(4)(d) and (e), (10) and (12) (procedure on giving directions under regulation 25 and varying them on Authority’s own initiative) for “Tribunal” substitute “Upper Tribunal”.
23. In regulation 28(2)(b) (procedure: refusal to revoke or vary direction) for “Tribunal” substitute “Upper Tribunal”.

Criminal Defence Service (General) (No.2) Regulations 2001

24. The Criminal Defence Service (General) (No.2) Regulations 2001(6) are amended as follows.
25. In regulation 2 (interpretation) omit the definition of “the Financial Services and Markets Tribunal”.
26. For regulation 3(2)(h) (criminal proceedings) substitute—
- “(h) proceedings under section 13 of the Tribunals, Courts and Enquiries Act 2007 (c. 15) on appeal against a decision of the Upper Tribunal in proceedings in respect of—
- (i) a decision of the Financial Services Authority;

(3) [S.I. 1999/260](#). The definition of “the FHSAA” and “national NHS disqualification” were inserted by regulation 2(a) of the National Institute for Clinical Excellence (Amendment) Regulations 2005 ([S.I. 2005/498](#)).

(4) [S.I. 2000/89](#). Regulation 5(1)(da) was inserted by regulation 3(2)(c) of the Primary Care Trusts (Membership, Procedure and Administrative Arrangements) Amendment (England) Regulations 2003 ([S.I. 2003/1616](#)).

(5) [S.I. 2001/1228](#).

(6) [S.I. 2001/1437](#). The definition of “the Financial Services and Services Markets Tribunal in regulation 2 and regulations 3(2)(h) and 13(1)(e) were inserted by regulations 4(b), 5 and 11(2) of the Criminal Defence Service (General) (No.2) (Amendment) Regulations 2002 ([S.I. 2002/712](#)). Regulation 3(2)(h) was amended by regulation 5(1) of the Criminal Defence Service (General) (No.2) (Amendment) Regulations 2005 ([S.I. 2005/2784](#)).

- (ii) a decision of the Bank of England; or
- (iii) a decision of a person relating to the assessment of any compensation or consideration under the Banking (Special Provisions) Act 2008(7) or the Banking Act 2009(8);”.

27. For regulation 13(1)(c) (representation in the Crown Court, Court of Appeal and House of Lords) substitute—

- “(c) the representatives of the assisted person before the Court of Appeal in an appeal against a decision of the Upper Tribunal in proceedings in respect of—
 - (i) a decision of the Financial Services Authority;
 - (ii) a decision of the Bank of England; or
 - (iii) a decision of a person relating to the assessment of any compensation or consideration under the Banking (Special Provisions) Act 2008(9) or the Banking Act 2009(10).”.

Financial Services and Markets Tribunal (Legal Assistance) Regulations 2001

28. The Financial Services and Markets Tribunal (Legal Assistance) Regulations 2001(11) are amended as follows.

29. In regulation 2 (interpretation) for the definition of “the Tribunal” substitute—

““the Tribunal” means the Upper Tribunal.”.

30. For the heading of Part 5 (constitution) substitute “Delegation of Tribunal functions”.

31. In regulation 43 omit “a member of the panel of chairmen of the Tribunal acting alone or by”.

Financial Services and Markets Tribunal (Legal Assistance Scheme – Costs) Regulations 2001

32. The Financial Services and Markets Tribunal (Legal Assistance Scheme – Costs) Regulations 2001(12) are amended as follows.

33. In regulation 2 (interpretation) for the definition of “the Tribunal” substitute—

““the Tribunal” means the Upper Tribunal.”.

Electronic Commerce Directive (Financial Services and Markets) Regulations 2002

34. The Electronic Commerce Directive (Financial Services and Markets) Regulations 2002(13) are amended as follows.

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

36. In regulation 6(2)(c) (direction by Authority) for “Tribunal” substitute “Upper Tribunal”.

37. In regulation 10(7) (directions made under regulation 6) for “Tribunal” substitute “Upper Tribunal”.

(7) 2008 c. 2.

(8) 2009 c. 1.

(9) 2008 c. 2.

(10) 2009 c. 1.

(11) S.I. 2001/3632.

(12) S.I. 2001/3633.

(13) S.I. 2002/1775.

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38. In regulation 11 (referral to the Tribunal), and in the heading of that regulation, for “Tribunal” substitute “Upper Tribunal”.

Patients’ Forums (Membership and Procedure) Regulations 2003

39. In regulation 4(1)(c)(i) of the Patients’ Forums (Membership and Procedure) Regulations 2003(**14**) (disqualification for appointment) for the words from “Family Health Services Appeal Authority” to the end, substitute “First-tier Tribunal,”.

Privacy and Electronic Communications (EC Directive) Regulations 2003

40. For regulation 28(8)(a) of the Privacy and Electronic Communications (EC Directive) Regulations 2003(**15**) (national security) substitute—

- “(a) “the Tribunal”, in relation to any appeal under this regulation, means—
 - (i) the Upper Tribunal, in any case where it is determined by or under Tribunal Procedure Rules that the Upper Tribunal is to hear the appeal; or
 - (ii) the First-tier Tribunal, in any other case;”.

NHS Professionals Special Health Authority Regulations 2003

41. In regulation 3(1)(e)(i) of the NHS Professionals Special Health Authority Regulations 2003(**16**) (disqualification for appointment) for the words from “Family Health Services Appeal Authority” to the end, substitute “First-tier Tribunal,”.

National Health Service (General Medical Services Contracts) Regulations 2004

42. The National Health Service (General Medical Services Contracts) Regulations 2004(**17**) are amended as follows.

43. In regulation 2(1) (interpretation), in the definition of “national disqualification”, in subparagraph (a) for “FHSAA” substitute “First-tier Tribunal”.

- 44.** In regulation 7 (appeal)—
- (a) for “FHSAA” substitute “First-tier Tribunal”; and
 - (b) omit the words from “by giving notice” to the end.

National Health Service (General Medical Services Contracts) (Wales) Regulations 2004

45. The National Health Service (General Medical Services Contracts) (Wales) Regulations 2004(**18**) are amended as follows.

46. In regulation 2(1) (interpretation), in the definition of “national disqualification”, in subparagraph (a) for “FHSAA” substitute “First-tier Tribunal”.

- 47.** In regulation 7 (appeal)—
- (a) for “FHSAA” substitute “First-tier Tribunal”; and
 - (b) omit the words from “by giving notice” to the end.

(14) [S.I. 2003/2123](#).

(15) [S.I. 2003/2426](#).

(16) [S.I. 2003/3060](#).

(17) [S.I. 2004/291](#).

(18) [S.I. 2004/478 \(W. 48\)](#).

National Health Service (Performers Lists) Regulations 2004

48. The National Health Service (Performers Lists) Regulations 2004⁽¹⁹⁾ are amended as follows.

49. In regulation 2(1) (interpretation), in the definition of “a national disqualification”, in subparagraph (a) for “FHSAA” substitute “First-tier Tribunal”.

50. In regulation 7(1)(f), (g) and (j) (deferment of decision on application) for “FHSAA” substitute “First-tier Tribunal”.

51. In regulation 8(9) (conditional inclusion) for “FHSAA” substitute “First-tier Tribunal”.

52. In regulation 10(2) and (14)(b) (removal from performers list) for “FHSAA” substitute “First-tier Tribunal”.

53. In regulation 13(4)(a) and (b), (5), (6) and (7)(b) (suspension) for “FHSAA”, in each place, substitute “First-tier Tribunal”.

54. In regulation 14(1)(c) (reviews) for “FHSAA” substitute “First-tier Tribunal”.

55. In regulation 15 (appeals)—

(a) in paragraph (1)—

(i) for “FHSAA” substitute “First-tier Tribunal”; and

(ii) omit “by giving notice to the FHSAA”; and

(b) in paragraphs (2)(g), (3), (4) and (6) for “FHSAA”, in each place, substitute “First-tier Tribunal”.

56. In regulation 16(7) (notification) for “FHSAA” substitute “First-tier Tribunal”.

57. In regulation 18A (national disqualification)—

(a) in paragraphs (1) to (3) and (5) to (7) for “FHSAA”, in each place, substitute “First-tier Tribunal”; and

(b) in paragraph (8)(b) for “FHSAA’s” substitute “First-tier Tribunal’s”.

58. In regulation 19 (review periods on national disqualification) for “FHSAA”, in each place, substitute “First-tier Tribunal”.

National Health Service (Personal Medical Services Agreements) Regulations 2004

59. The National Health Service (Personal Medical Services Agreements) Regulations 2004⁽²⁰⁾ are amended as follows.

60. In regulation 2 (interpretation), in the definition of “national disqualification”, in paragraph (a) for “FHSAA” substitute “First-tier Tribunal”.

61. In regulation 7 (appeal)—

(a) for “FHSAA” substitute “First-tier Tribunal”; and

(b) omit the words from “by giving notice” to the end.

62. In regulation 19(9) (right to a general medical services contract) for “FHSAA” substitute “First-tier Tribunal”.

⁽¹⁹⁾ [S.I. 2004/585](#). Regulation 18A was inserted by regulation 8 of the National Health Service (Performers Lists) Amendment Regulations 2005 ([S.I. 2005/3491](#)).

⁽²⁰⁾ [S.I. 2004/627](#).

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National Health Service (Performers Lists) (Wales) Regulations 2004

63. The National Health Service (Performers Lists) (Wales) Regulations 2004(21) are amended as follows.

64. In regulation 2(1) (interpretation), in the definition of “a national disqualification”, in sub-paragraph (a) for “FHSAA” substitute “First-tier Tribunal”.

65. In regulation 7(1)(f), (g) and (j) (deferment of decision on application) for “FHSAA” substitute “First-tier Tribunal”.

66. In regulation 8(9) (conditional inclusion) for “FHSAA” substitute “First-tier Tribunal”.

67. In regulation 10(2) and (14)(b) (removal from performers list) for “FHSAA” substitute “First-tier Tribunal”.

68. In regulation 13(4)(a) and (b), (5), (6) and (7)(b) (suspension) for “FHSAA”, in each place, substitute “First-tier Tribunal”.

69. In regulation 14(1)(c) (reviews) for “FHSAA” substitute “First-tier Tribunal”.

70. In regulation 15 (appeals)—

(a) in paragraph (1)—

(i) for “FHSAA” substitute “First-tier Tribunal”; and

(ii) omit “by giving notice to the FHSAA”; and

(b) in paragraphs (2)(g), (3), (4) and (6) for “FHSAA”, in each place, substitute “First-tier Tribunal”.

71. In regulation 16(7) (notification) for “FHSAA” substitute “First-tier Tribunal”.

72. In regulation 18A (national disqualification)—

(a) in paragraphs (1) to (3) and (5) to (7) (8)(b) for “FHSAA”, in each place, substitute “First-tier Tribunal”; and

(b) in paragraph (8)(b) for “FHSAA’s” substitute “First-tier Tribunal’s”.

73. In regulation 19 (review periods on national disqualification) for “FHSAA”, in each place, substitute “First-tier Tribunal”.

Postgraduate Medical Education and Training Board (Members-Removal from Office) Rules Order 2004

74. In rule 2 of the Rules set out in the Schedule to the Postgraduate Medical Education and Training Board (Members-Removal from Office) Rules Order 2004(22) (interpretation)—

(a) omit the definition of “FHSAA”; and

(b) in sub-paragraph (a) of the definition of “National Disqualification” for “FHSAA” substitute “First-tier Tribunal”.

(21) [S.I. 2004/1020 \(W. 117\)](#). Regulation 18A was inserted by regulation 8 of the National Health Service (Performers Lists) (Wales) Amendment Regulations 2006 ([S.I. 2006/945 \(W. 94\)](#)).

(22) [S.I. 2004/3410](#).

Health Protection Agency Regulations 2005

75. In regulation 3(1)(e)(i) of the Health Protection Agency Regulations 2005(23) (disqualification for appointment) for the words from “Family Health Services Appeal Authority” to the end, substitute “First-tier Tribunal”.

Health and Social Care Information Centre Regulations 2005

76. In regulation 1(3) of the Health and Social Care Information Centre Regulations 2005(24) (interpretation), in the definition of “national NHS disqualification”, in sub-paragraph (a) for “FHSAA” substitute “First-tier Tribunal”.

National Health Service Pharmaceutical Services Regulations 2005

77. The National Health Service Pharmaceutical Services Regulations 2005(25) are amended as follows.

78. In regulation 2(1) (interpretation), in the definition of “national disqualification”, in sub-paragraph (a) for “FHSAA” substitute “First-tier Tribunal”.

79. In regulation 19 (refusal: fitness to practice grounds)—

- (a) in paragraph (6) for “FHSAA” substitute “First-tier Tribunal”; and
- (b) in paragraph (7) omit the words from “An appeal” to “and such”.

80. In regulation 26(1)(f), (g), (j) and (k) (deferral of considerations of applications on fitness to practice grounds) for “FHSAA” substitute “First-tier Tribunal”.

81. In regulation 28(7) (notifications by Primary Care Trusts to other persons) for “FHSAA” substitute “First-tier Tribunal”.

82. In regulation 30 (appeals against imposition of conditions and related decisions)—

- (a) in paragraph (1) for “FHSAA” substitute “First-tier Tribunal”;
- (b) omit paragraph (2);
- (c) in paragraph (3) omit the words “, and shall notify” to the end;
- (d) in paragraph (4)—
 - (i) for “FHSAA” substitute “First-tier Tribunal”; and
 - (ii) for “of the notification to him under paragraph (3)” substitute “on which the First-tier Tribunal notified him of the decision”; and
- (e) in paragraph (6) for “FHSAA” substitute “First-tier Tribunal”.

83. In regulation 39(2) and (10)(b) (procedure after grant of application) for “FHSAA” substitute “First-tier Tribunal”.

84. In regulation 42(5) (review of decision to impose conditions) for “FHSAA” substitute “First-tier Tribunal”.

85. In regulation 43 (appeals following a review) for “FHSAA” substitute “First-tier Tribunal”.

86. In regulation 48 (procedure on removal)—

- (a) in paragraphs (4), (7) and (8) for “FHSAA”, in each place, substitute “First-tier Tribunal”; and

(23) [S.I. 2005/408](#). Amended by regulation 12(12) of the National Health Service (Performers Lists) Amendment Regulations 2005 ([S.I. 2005/3491](#)).

(24) [S.I. 2005/500](#).

(25) [S.I. 2005/641](#).

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(b) for paragraph (6) substitute—

“(6) The Primary Care Trust must inform the chemist that he may appeal and how to make such an appeal.”.

87. In regulation 51 (procedure on review of Primary Care Trust decision)—

(a) in paragraph (3) for “FHSAA” substitute “First-tier Tribunal”; and

(b) for paragraph (4) substitute—

“(4) The Primary Care Trust must inform the chemist that he may appeal and how to make such an appeal.”.

88. In regulation 52 (review periods on national disqualification) for “FHSAA”, in each place, substitute “First-tier Tribunal”.

89. In paragraph 12(e) of Part 3 of Schedule 4 (information and undertakings) for “FHSAA” substitute “First-tier Tribunal”.

Pensions Regulator Tribunal (Legal Assistance Scheme) Regulations 2005

90. The Pensions Regulator Tribunal (Legal Assistance Scheme) Regulations 2005(26) are amended as follows.

91. In regulation 2 (interpretation) for the definition of “the Tribunal” substitute—

““the Tribunal”, in relation to any reference, means the tribunal to which the reference is made, and includes any person acting on behalf of the Tribunal in accordance with regulation 42.”.

92. For the heading of Part 5 (constitution) substitute “Delegation of Tribunal functions”.

93. In regulation 42 (acts of the Tribunal) omit “a member of the panel of chairmen of the Tribunal acting alone or by”.

Pensions Regulator Tribunal (Legal Assistance Scheme - Costs) Regulations 2005

94. In regulation 2 of the Pensions Regulator Tribunal (Legal Assistance Scheme – Costs) Regulations 2005(27) (interpretation) for the definition of “the Tribunal” substitute—

““the Tribunal”, in relation to any reference, means the tribunal to which the reference is made, and includes any person authorised by it to act on its behalf.”.

NHS Institute for Innovation and Improvement Regulations 2005

95. In regulation 1(3) of the NHS Institute for Innovation and Improvement Regulations 2005(28) (interpretation), in the definition of “national NHS disqualification”, in sub-paragraph (a) for “FHSAA” substitute “First-tier Tribunal”.

NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) Regulations 2005

96. In regulation 1(2) of the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) Regulations 2005(29) (interpretation), in the definition of “national NHS disqualification”, in sub-paragraph (a) for “FHSAA” substitute “First-tier Tribunal”.

(26) S.I. 2005/781.

(27) S.I. 2005/782.

(28) S.I. 2005/1447.

(29) S.I. 2005/2415.

NHS Blood and Transplant (Gwaed a Thrawsblaniadau'r GIG) Regulations 2005

97. In regulation 1(2) of the NHS Blood and Transplant (Gwaed a Thrawsblaniadau'r GIG) Regulations 2005(30) (interpretation), in the definition of “national NHS disqualification”, in sub-paragraph (a) for “FHSAA” substitute “First-tier Tribunal”.

National Health Service (General Dental Services Contracts) Regulations 2005

98. The National Health Service (General Dental Services Contracts) Regulations 2005(31) are amended as follows.

99. In regulation 2(1) (interpretation), in the definition of “national disqualification”, in sub-paragraph (a) for “FHSAA” substitute “First-tier Tribunal”.

100. In regulation 7 (appeal)—

- (a) for “FHSAA” substitute “First-tier Tribunal”; and
- (b) omit the words from “by giving notice” to the end.

National Health Service (Personal Dental Services Agreements) Regulations 2005

101. The National Health Service (Personal Dental Services Agreements) Regulations 2005(32) are amended as follows.

102. In regulation 2(1) (interpretation), in the definition of “national disqualification”, in sub-paragraph (a) for “FHSAA” substitute “First-tier Tribunal”.

103. In regulation 7 (appeal)—

- (a) for “FHSAA” substitute “First-tier Tribunal”; and
- (b) omit the words from “by giving notice” to the end.

104. In regulation 21(8) (right to a general dental services contract) for “FHSAA” substitute “First-tier Tribunal”.

National Health Service (General Ophthalmic Services Supplementary List) and (General Ophthalmic Services) (Amendment and Consequential Amendment) (Wales) Regulations 2006

105. The National Health Service (General Ophthalmic Services Supplementary List) and (General Ophthalmic Services) (Amendment and Consequential Amendment) (Wales) Regulations 2006(33) are amended as follows.

106. In regulation 2(1) (interpretation), in the definition of “a national disqualification” (“*anghymhwysiad cenedlaethol*”), in sub-paragraph (a) for “FHSAA” substitute “First-tier Tribunal”.

107. In regulation 7(1)(f), (g) and (j) (deferment of decision on application) for “FHSAA” substitute “First-tier Tribunal”.

108. In regulation 8(9) (conditional inclusion) for “FHSAA” substitute “First-tier Tribunal”.

109. In regulation 10(3) and (15)(b) (removal from supplementary list) for “FHSAA” substitute “First-tier Tribunal”.

(30) S.I. 2005/2531.

(31) S.I. 2005/3361.

(32) S.I. 2005/3373.

(33) S.I. 2006/181 (W. 32).

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110. In regulation 12(3)(b) (contingent removal) for “FHSAA” substitute “First-tier Tribunal”.
111. In regulation 13(4)(a) and (b), (5), (6) and (7)(b) (suspension) for “FHSAA”, in each place, substitute “First-tier Tribunal”.
112. In regulation 14(1)(c) (reviews) for “FHSAA” substitute “First-tier Tribunal”.
113. In regulation 15 (appeals)—
- (a) in paragraph (1)—
 - (i) for “FHSAA” substitute “First-tier Tribunal”; and
 - (ii) omit “by giving notice to the FHSAA”; and
 - (b) in paragraphs (3), (4) and (6) for “FHSAA”, in each place, substitute “First-tier Tribunal”.
114. In regulation 16(7) (notification) for “FHSAA” substitute “First-tier Tribunal”.
115. In regulation 19 (review periods for national disqualification) for “FHSAA”, in each place, substitute “First-tier Tribunal”.

Rheoliadau'r Gwasanaeth Iechyd Gwladol (Rhestr Atodol Gwasanaethau Offthalmig Cyffredinol) a (Gwasanaethau Offthalmig Cyffredinol) (Diwygio a Diwygiad Canlyniadol) (Cymru) 2006

116. Diwygir Rheoliadau'r Gwasanaeth Iechyd Gwladol (Rhestr Atodol Gwasanaethau Offthalmig Cyffredinol) a (Gwasanaethau Offthalmig Cyffredinol) (Diwygio a Diwygiad Canlyniadol) (Cymru) 2006(34) fel a ganlyn.
117. Yn rheoliad 2(1) (dehongliad), yn y diffiniad o “anghymhwysiad cenedlaethol” (“*a national disqualification*”), yn is-baragraff (a) yn lle “yr FHSAA” rhodder “y Tribiwnlys Haen Gyntaf”.
118. Yn rheoliad 7(1)(dd), (e) ac (g) (gohirio penderfyniad ynglŷn â chais) yn lle “yr FHSAA” rhodder “y Tribiwnlys Haen Gyntaf”.
119. Yn rheoliad 8(9) (cynnwys yn amodol) yn lle “yr FHSAA” rhodder “y Tribiwnlys Haen Gyntaf”.
120. Yn rheoliad 10(3) a (15)(b) (tynnu oddi ar y rhestr atodol) yn lle “yr FHSAA” rhodder “y Tribiwnlys Haen Gyntaf”.
121. Yn rheoliad 12(3)(b) (tynnu'n amodol oddi ar y rhestr) yn lle “yr FHSAA” rhodder “y Tribiwnlys Haen Gyntaf”.
122. Yn rheoliad 13 (atal dros dro)—
- (a) ym mharagraff (4)(a) a (b), (5) a (6) yn lle'r ymadrodd “yr FHSAA”, bob tro y'i ceir, rhodder “y Tribiwnlys Haen Gyntaf”;
 - (b) ym mharagraff (4)(b) yn lle “i'r FHSAA” rhodder “i'r Tribiwnlys Haen Gyntaf”; ac
 - (c) ym mharagraff (7)(b) yn lle “bo'r FHSAA” rhodder “bo'r Tribiwnlys Haen Gyntaf”.
123. Yn rheoliad 14(1)(c) (adolygiadau) yn lle “yr FHSAA” rhodder “y Tribiwnlys Haen Gyntaf”.
124. Yn rheoliad 15 (apeliadau)—
- (a) ym mharagraff (1)—
 - (i) yn lle “i'r FHSAA” rhodder “i'r Tribiwnlys Haen Gyntaf”; a
 - (ii) hepgorer “trwy hysbysu'r FHSAA”;

(34) O.S. 2006/181 (Cy. 32).

- (b) ym mharagraff (3) yn lle “yr FHSAA” rhodder “y Tribiwnlys Haen Gyntaf”;
- (c) ym mharagraff (4) yn lle “FHSAA” rhodder “y Tribiwnlys Haen Gyntaf”; ac
- (ch) ym mharagraff (6) yn lle “fo’r FHSAA” rhodder “fo’r Tribiwnlys Haen Gyntaf” ac yn lle “i’r FHSAA” rhodder “i’r Tribiwnlys Haen Gyntaf”.

125. Yn rheoliad 16(7) (hysbysiad) yn lle “yr FHSAA” rhodder “y Tribiwnlys Haen Gyntaf”.

126. Yn rheoliad 19 (cyfnodau adolygu ar gyfer anghymhwysiad cenedlaethol)—

- (a) yn lle’r ymadrodd “yr FHSAA”, bob tro y’i ceir, rhodder “y Tribiwnlys Haen Gyntaf”;
- (b) ym mharagraff (c) yn lle “y FHSAA” rhodder “y Tribiwnlys Haen Gyntaf”; ac
- (c) ym mharagraff (ch) yn lle “mae’r FHSAA” rhodder “mae’r Tribiwnlys Haen Gyntaf”.

National Health Service (Personal Dental Services Agreements) (Wales) Regulations 2006

127. The National Health Service (Personal Dental Services Agreements) (Wales) Regulations 2006(35) are amended as follows.

128. In regulation 2(1) (interpretation), in the definition of “national disqualification”, in subparagraph (a) for “FHSAA” substitute “First-tier Tribunal”.

129. In regulation 7 (appeal)—

- (a) for “FHSAA” substitute “First-tier Tribunal”; and
- (b) omit the words from “by giving notice” to the end.

130. In regulation 21(8) (right to a general dental services contract) for “FHSAA” substitute “First-tier Tribunal”.

National Health Service (General Dental Services Contracts) (Wales) Regulations 2006

131. The National Health Service (General Dental Services Contracts) (Wales) Regulations 2006(36) are amended as follows.

132. In regulation 2(1) (interpretation), in the definition of “national disqualification”, in subparagraph (a) for “FHSAA” substitute “First-tier Tribunal”.

133. In regulation 7 (appeal)—

- (a) for “FHSAA” substitute “First-tier Tribunal”; and
- (b) omit the words from “by giving notice” to the end.

National Health Service (Local Pharmaceutical Services, etc) Regulations 2006

134. The National Health Service (Local Pharmaceutical Services, etc) Regulations 2006(37) are amended as follows.

135. In regulation 2(1) (interpretation), in the definition of “national disqualification”, in subparagraph (a) for “FHSAA” substitute “First-tier Tribunal”.

136. In regulation 9 (appeal)—

- (a) for “FHSAA” substitute “First-tier Tribunal”; and
- (b) omit the words from “by giving notice” to the end.

(35) [S.I. 2006/489 \(W. 58\)](#).

(36) [S.I. 2006/490 \(W. 59\)](#).

(37) [S.I. 2006/552](#).

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Appointments Commission Regulations 2006

137. In regulation 1(2) of the Appointments Commission Regulations 2006⁽³⁸⁾ (interpretation), in the definition of “national NHS disqualification”, in sub-paragraph (a) for “FHSAA” substitute “First-tier Tribunal”.

Gambling Act 2005 (Definition of Small-scale Operator) Regulations 2006

138. In regulation 2(4) of the Gambling Act 2005 (Definition of Small-scale Operator) Regulations 2006⁽³⁹⁾ (definition of small-scale operator)—

- (a) in sub-paragraphs (a) and (c) for “Gambling Appeals Tribunal” substitute “First-tier Tribunal”; and
- (b) in sub-paragraph (c) and (d) for “under section 143 of the Act” substitute “to the Upper Tribunal”.

Compensation (Claims Management Services) Regulations 2006

139. In regulation 31 of the Compensation (Claims Management Services) Regulations 2006⁽⁴⁰⁾ (definitions) in the definition of “the Tribunal” for “Claims Management Services Tribunal established by section 12 of the Act” substitute “First-tier Tribunal”.

Money Laundering Regulations 2007

140. The Money Laundering Regulations 2007⁽⁴¹⁾ are amended as follows.

141. In regulation 44(2)(b) and (4) (appeals) for “Financial Services and Markets Tribunal” substitute “Upper Tribunal”.

142. In Schedule 5 (modifications in relation to appeals)—

- (a) in paragraph 2—
 - (i) in sub-paragraph (a) for “section 133 and Schedule 13” substitute “sections 133 to 133B”;
 - (ii) omit sub-paragraph (b);
 - (iii) for sub-paragraph (c) substitute—
 - “(c) in section 133A omit subsections (1), (2), (3) and (5);”;
 - (iv) in sub-paragraph (d) for “section 133(9)” substitute “section 133A(4)”;
- (b) omit Part 2 (secondary legislation).

Administrative Justice and Tribunals Council (Listed Tribunals) Order 2007

143. In article 2 of the Administrative Justice and Tribunals Council (Listed Tribunals) Order 2007⁽⁴²⁾ (list of tribunals) omit the entries relating to—

- (a) Case Tribunals, or Interim Case Tribunals, drawn from the Adjudication Panel for England;
- (b) the Claims Management Services Tribunal;
- (c) the Family Health Services Appeal Authority;

⁽³⁸⁾ [S.I. 2006/2380](#).

⁽³⁹⁾ [S.I. 2006/3266](#).

⁽⁴⁰⁾ [S.I. 2006/3322](#).

⁽⁴¹⁾ [S.I. 2007/2157](#).

⁽⁴²⁾ [S.I. 2007/2951](#).

- (d) the Financial Services and Markets Tribunal;
- (e) the Gambling Appeals Tribunal;
- (f) the Immigration Services Tribunal; and
- (g) the Information Tribunal.

Transfer of Funds (Information on the Payer) Regulations 2007

144. The Transfer of Funds (Information on the Payer) Regulations 2007⁽⁴³⁾ are amended as follows.

145. In regulation 13(2) and (3) (appeals) for “Financial Services and Markets Tribunal” substitute “Upper Tribunal”.

146. In paragraph 1 of Schedule 2 (modifications in relation to appeals)—

- (a) for “Section 133” substitute “Section 133A”;
- (b) omit sub-paragraph (a);
- (c) in sub-paragraph (b) for “(6), (7), (8) and (12)” substitute “(1), (2), (3) and (5)”;
- (d) in sub-paragraph (c)—
 - (i) for “(9)” substitute “(4)”;
 - (ii) in paragraph (i) omit “where it first occurs”; and
 - (iii) omit paragraph (ii).

Environmental Permitting (England and Wales) Regulations 2007

147. In regulation 72(11)(c) of the Environmental Permitting (England and Wales) Regulations 2007⁽⁴⁴⁾ for “the Tribunal Procedure (Upper Tribunal) (Land Chamber) Rules 2009” substitute “Tribunal Procedure Rules”.

Regulated Covered Bonds Regulations 2008

148. The Regulated Covered Bonds Regulations 2008⁽⁴⁵⁾ are amended as follows.

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

150. In regulation 13(6) (decision on the application) for “Tribunal” substitute “Upper Tribunal”.

151. In regulation 20(7) (material changes to the regulated covered bond) for “Tribunal” substitute “Upper Tribunal”.

152. In regulation 25(7) (change of owner) for “Tribunal” substitute “Upper Tribunal”.

153. In regulation 32(4) (directions and revocation: procedure) for “Tribunal” substitute “Upper Tribunal”.

154. In regulation 35(5) for “Tribunal” substitute “Upper Tribunal”.

155. In the heading of Part 8 (the Tribunal) for “Tribunal” substitute “Upper Tribunal”.

156. In regulation 39 and the heading of that regulation (functions of the Tribunal) for “Tribunal” substitute “Upper Tribunal”.

⁽⁴³⁾ [S.I. 2007/3298](#). Regulation 13(2) was substituted by paragraph 180 of Schedule 2 to the Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 ([S.I. 2009/56](#)).

⁽⁴⁴⁾ [S.I. 2007/3538](#). Regulation 72(11) was inserted by paragraph 123 of Schedule 2 to the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 ([S.I. 2009/1307](#)).

⁽⁴⁵⁾ [S.I. 2008/346](#).

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157. Omit regulation 40 (hearings and appeals).

Northern Rock plc Compensation Scheme Order 2008

158. In the Schedule to the Northern Rock plc Compensation Scheme Order 2008⁽⁴⁶⁾ (the Northern Rock plc compensation scheme)—

- (a) in paragraph 2 (interpretation) omit the definition of “the Tribunal”;
- (b) in paragraph 13 and the heading (right to refer to the Tribunal) for “Tribunal” substitute “Upper Tribunal”;
- (c) in paragraph 14(2)(b) (payment of compensation) for “Tribunal” substitute “Upper Tribunal”;
- (d) in the heading of Part 5 (references to the Tribunal) for “Tribunal” substitute “Upper Tribunal”;
- (e) for paragraph 15 (application of the Financial Services and Markets Act 2000) substitute—

“Application of FSMA 2000

15. The provisions of Part 9 (hearing and appeals) of **FSMA 2000** shall apply in respect of any reference made under paragraph 13, subject to the modifications set out in this Part.”;

- (f) for paragraph 16 substitute—
 - “16. Part 9 of FSMA 2000 is modified as follows.”;
- (g) omit paragraph 17;
- (h) in paragraph 18—
 - (i) omit sub-paragraph (i);
 - (ii) in sub-paragraph (ii) for “(4)” in both places substitute “(5)”; and
 - (iii) for sub-paragraph (iii) substitute—
 - “(iii) omit subsection (6).”;
- (i) in paragraph 19 after “sections” insert “133A and”; and
- (j) omit paragraphs 20 to 28 and the preceding heading (modification of Financial Services and Markets Tribunal Rules 2001).

Standards Committee (England) Regulations 2008

159. The Standards Committee (England) Regulations 2008⁽⁴⁷⁾ are amended as follows.

160. In regulation 2 (interpretation) omit the definition of “Adjudication Panel”.

161. In regulation 9 (interpretation of Part 3) omit the definition of “appeals tribunal”.

162. In regulation 12(2) (application of section 63 of the Local Government Act 2000 with modifications) in the new paragraph (aa)(ii) for “a tribunal drawn from members of the Adjudication Panel” substitute “the First-tier Tribunal”.

163. In regulation 17 (consideration of reports by standards committee)—

- (a) in paragraph (1)(c) for “Adjudication Panel” substitute “First-tier Tribunal”;

⁽⁴⁶⁾ S.I. 2008/718.

⁽⁴⁷⁾ S.I. 2008/1085.

- (b) in paragraph (2)(b) for “president or deputy president of the Adjudication Panel” substitute “First-tier Tribunal”;
- (c) for paragraph (6) substitute—
 - “(6) The First-tier Tribunal has the same power to take action in relation to a reference under sub-paragraph (1)(c) as it does in relation to a reference made under section 64(3)(b) of the Act.”; and
- (d) omit paragraph (7).

164. In regulation 21 (notices of appeals)—

- (a) for the heading substitute “Appeal to the First-tier Tribunal”;
- (b) in paragraph (1)—
 - (i) omit “, by way of notice in writing given to the president of the Adjudication Panel”;
 - (ii) in sub-paragraph (a) after “appeal” insert “to the First-tier Tribunal”; and
 - (iii) in sub-paragraph (b) after “apply” insert “ to the First-tier Tribunal”;
- (c) omit paragraphs (2) and (3);
- (d) in paragraph (4)—
 - (i) for “, the president, or deputy president (as the case may be),” substitute “the First-tier Tribunal”; and
 - (ii) for “their” substitute “its”; and
- (e) omit paragraphs (6) and (7).

165. Omit regulations 22 to 24 (tribunal procedure and composition).

166. In regulation 25 (outcome of appeals)—

- (a) in paragraphs (1) to (4) and (6) for “an appeals tribunal” substitute “the First-tier Tribunal”; and
- (b) omit paragraphs (7) and (8).

General Ophthalmic Services Contracts Regulations 2008

167. The General Ophthalmic Services Contracts Regulations 2008(48) are amended as follows.

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

- (a) in the definition of “contract disqualification order” for “FHSAA” substitute “First-tier Tribunal”; and
- (b) in the definition of “national disqualification”, in sub-paragraph (a) for “FHSAA” substitute “First-tier Tribunal”.

169. In regulation 6 (appeals and contract disqualifications)—

- (a) for “FHSAA”, in each place, substitute “First-tier Tribunal”; and
- (b) in paragraph (1) omit the words from “, by giving notice” to the end.

Care Quality Commission (Membership) Regulations 2008

170. In the Schedule to the Care Quality Commission (Membership) Regulations 2008(49) (grounds for disqualification)—

(48) S.I. 2008/1185.

(49) S.I. 2008/2252.

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- (a) in paragraph 6(a) for “FHSAA” substitute “First-tier Tribunal; and
- (b) in paragraph 17 for “a case tribunal” substitute “the First-tier Tribunal”.

Case Tribunals (England) Regulations 2008

- 171.** The Case Tribunals (England) Regulations 2008(**50**) are amended as follows.
- 172.** In regulation 2 (interpretation)—
- (a) omit the definition of “Adjudication Panel”;
 - (b) omit the definition of “case tribunal”;
 - (c) in the definition of “respondent” for “Adjudication Panel for England” substitute “First-tier Tribunal”; and
 - (d) in the definition of “the relevant authority concerned” for “a case tribunal” substitute “the First-tier Tribunal”.
- 173.** In regulation 3 (sanctions available to case tribunals)—
- (a) in the heading for “case tribunals” substitute “First-tier Tribunal”;
 - (b) in paragraph (1)—
 - (i) for “a case tribunal” substitute “the First-tier Tribunal”; and
 - (ii) in sub-paragraphs (e) to (j) for “the case tribunal” substitute “the First-tier Tribunal”; and
 - (c) in paragraphs (2) and (3) for “a case tribunal” substitute “the First-tier Tribunal”.
- 174.** In regulation 4 (notices)—
- (a) in paragraph (1) for “a case tribunal” substitute “the First-tier Tribunal”;
 - (b) in paragraph (2)—
 - (i) in sub-paragraphs (a), (c) and (e) for “the case tribunal” substitute “the First tier-Tribunal”; and
 - (ii) in sub-paragraph (e) for “, seek leave to appeal to the High Court” substitute “and section 11 of the Tribunals, Courts and Enforcement Act 2007, seek permission to appeal to the Upper Tribunal”; and
 - (c) omit paragraph (4).
- 175.** In regulation 5 (withdrawal of references by ethical standards officer)—
- (a) in paragraph (1)—
 - (i) for “An” substitute “Subject to any provision in Tribunal Procedure Rules relating to the withdrawal of proceedings, an”;
 - (ii) for “president of the Adjudication Panel” substitute “First-tier Tribunal”; and
 - (iii) in sub-paragraph (b) for “paragraphs (3) and (4) substitute “paragraph (3)”;
 - (b) in paragraphs (2)(b)(i) and (3)(a) for “president of the Adjudication Panel” substitute “First-tier Tribunal”;
 - (c) in paragraph (2)(b)(i) for “a case tribunal” substitute “the First-tier Tribunal”;
 - (d) in paragraphs (2)(c) and (3) for “president or deputy president of the Adjudication Panel” substitute “First-tier Tribunal”;
 - (e) omit paragraph (4);

- (f) in paragraph (5)—
 - (i) for “president of the Adjudication Panel, or the deputy president, as the case may be,” substitute “First-tier Tribunal”; and
 - (ii) omit “or of consent under paragraph (4)”; and
- (g) in paragraph (6), for sub-paragraph (b) substitute—
 - “(b) any written reasons given by the First-tier Tribunal in relation to the withdrawal, including any written reasons given under paragraph (5).”

Bradford & Bingley plc Compensation Scheme Order 2008

176. In the Schedule to the Bradford & Bingley plc Compensation Scheme Order 2008⁽⁵¹⁾ (the Bradford & Bingley plc compensation scheme)—

- (a) in paragraph 2 (interpretation) omit the definition of “the Tribunal”;
- (b) in paragraph 12 and the heading (right to refer to the Tribunal) for “Tribunal” substitute “Upper Tribunal”;
- (c) in paragraph 13(2)(b) (payment of compensation) for “Tribunal” substitute “Upper Tribunal”;
- (d) in the heading of Part 5 (references to the Tribunal) for “Tribunal” substitute “Upper Tribunal”;
- (e) for paragraph 14 (application of the Financial Services and Markets Act 2000) substitute—

“Application of FSMA 2000

14. The provisions of Part 9 (hearing and appeals) of FSMA 2000 shall apply in respect of any reference made under paragraph 12, subject to the modifications set out in this Part.”;

- (f) for paragraph 15 substitute—
 - “**15.** Part 9 of FSMA 2000 is modified as follows.”;
- (g) omit paragraph 16;
- (h) in paragraph 17—
 - (i) omit sub-paragraph (i);
 - (ii) in sub-paragraph (ii) for “(4)” in both places substitute “(5)”; and
 - (iii) for sub-paragraph (iii) substitute—
 - “(iii) omit subsection (6).”;
- (i) in paragraph 18 after “sections” insert “133A and”; and
- (j) omit paragraphs 19 to 27 and the preceding heading (modification of Financial Services and Markets Tribunal Rules 2001).

Payment Services Regulations 2009

177. The Payment Services Regulations 2009⁽⁵²⁾ are amended as follows.

178. In regulation 1(2)(b)(vii) (commencement) for “Tribunal” substitute “Upper Tribunal”.

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

⁽⁵¹⁾ S.I. 2008/3249.

⁽⁵²⁾ S.I. 2009/209.

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180. In regulation 9(9) (determination of application for authorisation or variation of authorisation) for “Tribunal” substitute “Upper Tribunal”.

181. In regulation 10(4) and (5) (cancellation of authorisation) for “Tribunal” substitute “Upper Tribunal”.

182. In regulation 11(5), (7)(c) and (e) and (11) (variation of authorisation on Authority’s own initiative) for “Tribunal” substitute “Upper Tribunal”.

183. In regulation 24(4) and (6) (registration of EEA branch) for “Tribunal” substitute “Upper Tribunal”.

184. In regulation 29(11) (use of agents) for “Tribunal” substitute “Upper Tribunal”.

185. In regulation 30(4) and (5) (removal of agent from register) for “Tribunal” substitute “Upper Tribunal”.

186. In regulation 86(5) (proposal to take disciplinary measures) for “Tribunal” substitute “Upper Tribunal”.

187. In regulation 89(5) (proposal to require restitution) for “Tribunal” substitute “Upper Tribunal”.

188. In regulation 121(9) and (10) (transitional provisions: deemed authorisation) for “Tribunal” substitute “Upper Tribunal”.

189. In paragraph 2 of Schedule 5 (application and modification of the 2000 Act)—

- (a) for “Tribunal” in each place (including the heading) substitute “Upper Tribunal”;
- (b) for “section 133 (proceedings: general provision)” substitute “section 133A (proceedings before Tribunal: decision and supervisory notices, etc.)”;
- (c) for sub-paragraphs (a) and (b) (and the “and” following sub-paragraph (b)) substitute—
 - “(a) in subsection (1) omit “, as a result of section 388(2),”;
 - (b) omit subsection (5); and”;
- (d) in sub-paragraph (c) for “subsection (12)” substitute “subsection (3)”.

Local Government (Structural Changes) (Further Transitional and Supplementary Provision and Miscellaneous Amendments) Regulations 2009

190. In regulation 5(1) of the Local Government (Structural Changes) (Further Transitional and Supplementary Provision and Miscellaneous Amendments) Regulations 2009⁽⁵³⁾ (councillors’ conduct: additional function of standards committees of predecessor councils) for the words from “Adjudication Panel for England” to the end substitute “First-tier Tribunal.”.

Dunfermline Building Society Independent Valuer Order 2009

191. The Dunfermline Building Society Independent Valuer Order 2009⁽⁵⁴⁾ is amended as follows.

192. In article 2 (interpretation) omit the definition of “the Tribunal”.

193. In the heading for Part 5 (references to the Tribunal) for “the Tribunal” substitute “the Upper Tribunal”.

⁽⁵³⁾ S.I. 2009/276.

⁽⁵⁴⁾ S.I. 2009/1810.

194. In article 13 (right to refer to the Tribunal), and in the heading of that article, for “the Tribunal” in each place substitute “the Upper Tribunal”.

195. For article 14 (application of the Financial Services and Markets Act 2000) substitute—

“**14.** The provisions of Part 9 (hearing and appeals) of the Financial Services and Markets Act 2000 shall apply in respect of any reference made under article 13, subject to the modifications set out in this Part.”.

196. For article 15 substitute—

“**15.** Part 9 of the Financial Services and Markets Act 2000 is modified as follows.”.

197. Omit article 16.

198. In article 17—

- (a) omit paragraph (i);
- (b) in paragraph (ii) for “(4)” in both places substitute “(5)”; and
- (c) for paragraph (iii) substitute—
“(iii) omit subsection (6).”.

199. In article 18 after “sections” insert “133A and”.

200. Omit articles 19 to 27 and the preceding heading (modification of Financial Services and Markets Tribunal Rules 2001).