
DRAFT STATUTORY INSTRUMENTS

2008 No.

The Transfer of Tribunal Functions Order 2008

Transfer of functions of certain tribunals

3.—(1) Subject to paragraph (3), the functions of the tribunals listed in Table 1 of Schedule 1 are transferred to the First-tier Tribunal.

(2) Subject to paragraph (3), the functions of the tribunals listed in Table 2 of Schedule 1 are transferred to the Upper Tribunal.

(3) The following functions are not transferred—

- (a) the determination by an appeal tribunal constituted under Chapter 1 of Part 1 of the Social Security Act 1998⁽¹⁾ of an appeal which is referred to such 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⁽²⁾ (“the 2003 Act”); and
- (b) the determination by a Social Security Commissioner of an appeal made under section 159 (appeal to social security commissioner) of the 2003 Act against a decision falling within sub-paragraph (a).

⁽¹⁾ 1998 c.14.

⁽²⁾ 2003 c.43. This function of Scottish Ministers can be exercised by the Secretary of State pursuant to Scotland Act 1998 (Agency Arrangements) (Specifications) (No 3) Order 2006 (S.I. 2006/3338).