
DRAFT STATUTORY INSTRUMENTS

2013 No.

**TRIBUNALS AND INQUIRIES,
ENGLAND AND WALES**

The Transfer of Tribunal Functions Order 2013

Made - - - - *****
Coming into force *1st July 2013*

THE TRANSFER OF TRIBUNAL FUNCTIONS ORDER 2013

1. Citation and commencement
 2. Transfer of functions and abolition of tribunals
 3. (1) The functions of Agricultural Land Tribunals for areas in...
 4. (1) The functions of the Adjudicator to Her Majesty's Land...
 5. Transfer of persons into the First-tier Tribunal and the Upper Tribunal
 6. Consequential, transitional and saving provisions
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SCHEDULE 1 — Consequential provisions – primary legislation

PART 1 — Provisions consequential upon transfer of functions from rent
assessment committees for areas in England

1. Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951
2. In section 22 (facilities for action on behalf of men...
3. Leasehold Reform Act 1967
4. In section 9 (purchase price and costs of enfranchisement, and...
5. In section 14 (obligation to grant extended lease), in subsection...
6. In section 21 (jurisdiction of leasehold valuation tribunals)—
7. In section 27 (enfranchisement where landlord cannot be found), in...
8. In section 31(2)(a)(ecclesiastical property), after “a leasehold valuation
tribunal” insert...
9. In section 37 (interpretation of Part I), after subsection (1)(a)...
10. In Schedule 1 (enfranchisement and extension by sub-tenants), in
paragraph...
11. In Schedule 2 (provisions supplementary to sections 17 and 18...
12. Rent Act 1977
13. In section 65 (rent assessment committees), after “committees” insert “for...

14. After section 65, insert— Right of appeal from a rent...
15. In section 71 (amount to be registered as rent), in...
16. In section 72 (effect of registration of rent)—
17. In section 72A (amounts attributable to services)—
18. In section 75 (interpretation of Part IV), insert the following...
19. In section 77 (reference of contracts to rent tribunals and...
20. In section 78 (powers of rent tribunals on reference of...
21. In section 79 (register of rents under restricted contracts)—
22. After section 79 (register of rents under restricted contracts) insert—...
23. In section 80 (reconsideration of rent after registration)—
24. In section 81 (effect of registration of rent)—
25. In section 81A (cancellation of registration of rent)—
26. In section 82 (jurisdiction of rent tribunals)—
27. In section 85 (interpretation of Part V)—
28. In section 103 (notice to quit served after reference of...
29. In section 104 (application to tribunal for security of tenure...
30. In section 106 (reduction of period of notice on account...
31. In section 107 (interpretation of Part VI) insert the following...
32. In section 122 (prohibition of premiums on grant or assignment...
33. In Schedule 10 (rent assessment committees)— (a) for paragraphs 1...
34. In Schedule 11 (applications for registration of rent)—
35. Protection from Eviction Act 1977
36. Housing Act 1980
37. Omit section 72 (function of rent tribunals).
38. In section 142 (leasehold valuation tribunals), omit subsection (1).
39. Mobile Homes Act 1983
40. Housing Act 1985
41. In section 269 (right of appeal against order), in subsection...
42. In section 269A (appeals suggesting certain other courses of action),...
43. In section 272 (demolition orders: expenses of local housing authority,...
44. In section 317 (power of court to determine lease where...
45. In section 318 (power of tribunal to authorise execution of...
46. In section 322 (minor definitions), after subsection (3) insert—
47. In section 323 (index of defined expressions: Part IX) insert...
48. In paragraph 11 of Schedule 5 (exceptions to the right...
49. Landlord and Tenant Act 1985
50. In section 20 (limitation of service charges: consultation requirements), in...
51. In section 20ZA (consultation requirements: supplementary), in subsection (1), for...
52. In section 20C (limitation of service charges: costs of proceedings)—...
53. In section 21A (withholding of service charges), in subsection (4),...
54. In section 27A (liability to pay service charges: jurisdiction), in...
55. In section 29 (meaning of “recognised tenants’ association”)—
56. In section 38 (minor definitions), after the definition of “address”...
57. In the Schedule (rights of tenants with respect to insurance),...
58. Landlord and Tenant Act 1987
59. In section 8C (election in case of disposal of non-monetary...
60. In section 12A (right of qualifying tenants to take benefit...
61. In section 12B (right of qualifying tenants to compel sale,...
62. In section 12C (rights of qualifying tenants to compel grant...
63. In section 13 (determination by questions by leasehold valuation tribunal),...
64. In section 14 (withdrawal of nominated person from transaction), in...

65. In section 17 (termination of rights against new landlord or...
66. In section 20(1) (construction of Part 1 and power of...
67. In the heading to Part II (appointment of managers by...
68. In section 21 (tenant's right to apply to tribunal for...
69. In section 22 (preliminary notice by tenant)—
70. In section 23 (application to tribunal for appointment of manager),...
71. In section 24 (appointment of manager by a leasehold valuation...
72. In section 30 (content of acquisition orders)—
73. In section 31 (determination of terms by leasehold valuation tribunal)—...
74. In section 34 (discharge of acquisition order and withdrawal by...
75. In section 35 (application by party to lease for variation...
76. In section 37 (application by majority of parties for variation...
77. In section 39 (effect of orders varying leases: applications by...
78. In section 40 (application for variation of insurance provisions of...
79. In section 52 (jurisdiction of county courts), in subsection (1),...
80. Housing Act 1988
81. In section 6 (fixing of terms of statutory periodic tenancy)—...
82. In section 13 (increases of rent under assured periodic tenancies),...
83. In section 14 (determination of rent by rent assessment committee)—...
84. In section 14A (certain pre 1 April 1994 rent cases...
85. In section 14B (interim determination of rent by rent assessment...
86. In section 22 (reference of excessive rents to rent assessment...
87. In section 23 (termination of rent assessment committee's functions), in...
88. In section 36(3)(a) (new restricted contracts limited to transitional cases)...
89. In section 40 (jurisdiction of county courts), in subsection (1),...
90. In section 41A (amounts attributable to services)—
91. In section 41B (provision of information as to exemption from...
92. In section 42 (information as to determination of rents)—
93. After section 42 insert— Information as to determination of rents...
94. In section 45(1) (interpretation of Part I), insert at the...
95. Local Government and Housing Act 1989
96. Tribunals and Inquiries Act 1992
97. In section 11(1) (appeals from certain tribunals) omit “, 37”....
98. In Schedule 1 (tribunals under general supervision of Council), in...
99. Leasehold Reform, Housing and Urban Development Act 1993
100. In the italic heading before section 22 (proceedings relating to...
101. In section 24 (applications where terms in dispute or failure...
102. In section 25 (applications where reversioner fails to give counter-notice...
103. In section 27 (supplementary provisions relating to vesting orders under...
104. In section 33 (costs of enfranchisement), in subsection (5), for...
105. In section 38 (interpretation of Chapter 1), insert in the...
106. In the italic heading before section 46 (proceedings relating to...
107. In section 48 (applications where terms in dispute or failure...
108. In section 51 (supplementary provisions relating to vesting orders under...
109. In section 60 (costs incurred in connection with new lease...
110. In section 62 (interpretation of Chapter II), insert in the...
111. In section 69 (estate management schemes)— (a) in subsections (1),...
112. In section 70 (approval by leasehold valuation tribunal of estate...
113. In section 71 (applications by two or more landlords or...
114. In section 73 (applications by certain public bodies), in subsection...
115. In section 75 (variation of existing schemes), in subsections (1)(a)...
116. In the italic heading before section 88, omit “leasehold valuation”....
117. In section 88 (jurisdiction of leasehold valuation tribunals in relation...

118. In section 90 (jurisdiction of county courts), in subsection (2),...
119. In section 91 (jurisdiction of leasehold valuation tribunals)—
120. In section 93 (agreements excluding or modifying rights of tenant...
121. In section 94 (crown land), in subsection (10)(b), for “a...
122. In section 101(9) (general interpretation of Part I), after “leasehold...
123. In Schedule 1 (conduct of proceedings by reversioner on behalf...
124. In Schedule 2 (special categories of landlords), in paragraph 8(2)(a),...
125. In Schedule 5 (vesting orders under sections 24 and 25),...
126. In Schedule 9 (grant of leases back to the former...
127. In Schedule 11 (procedure where competent landlord is not tenant’s...
128. In Schedule 13 (premium and other amounts payable by tenant...
129. In Schedule 14 (provisions supplementary to section 61), in paragraph...
130. Housing Act 1996
131. Commonhold and Leasehold Reform Act 2002
132. In section 79 (notice of claim to acquire right), in...
133. In section 84 (counter-notices), in subsection (3), for “a leasehold...
134. In section 85 (landlords etc. not traceable)—
135. In section 88 (costs: general), in subsections (3) and (4),...
136. In section 94 (duty to pay accrued uncommitted service charges),...
137. In section 99 (approvals: supplementary), in subsections (1)(b) and (5),...
138. In section 112 (definitions), in subsection (1) insert in the...
139. In section 159 (charges under estate management schemes)—
140. In the italic heading before section 160 (third parties with...
141. In section 168 (no forfeiture notice before determination of breach)—...
142. In section 172 (application to Crown) in subsection (1)(b), for...
143. In section 175 (appeals), omit subsections (8) and (9).
144. After section 176 (leasehold valuation tribunals) insert— CHAPTER6A
FIRST-TIER TRIBUNAL...
145. In Schedule 6 (premises excluded from right to manage), in...
146. In Schedule 7 (right to manage: statutory provisions)—
147. In Schedule 11 (administrative charges)— (a) in paragraphs 3(1) and...
148. In Schedule 12 (leasehold valuation tribunals: procedure), in paragraph 1,...
149. Housing Act 2004
150. In section 22 (contents of prohibition orders), in subsection (9),...
151. In section 34 (power of tribunal to determine or vary...
152. In section 45 (appeals relating to emergency measures)—
153. In section 62 (temporary exemption from licensing requirement), in
subsection...
154. In section 72 (offences in relation to licensing of HMOs),...
155. In section 73 (other consequences of operating unlicensed HMOs: rent...
156. In section 86 (temporary exemption from licensing requirement), in
subsection...
157. In section 95 (offences in relation to licensing of houses...
158. In section 96 (other consequences of operating unlicensed houses: rent...
159. In section 102 (making of interim management orders), in subsections...
160. In section 103 (special interim management orders), in subsection (2),...
161. In section 105 (operation of interim management orders), in subsections...
162. In section 110 (financial arrangements while order is in force),...
163. In section 114 (operation of final management orders), in subsections...
164. In section 120 (enforcement of management scheme by relevant
landlord),...
165. In section 126 (effect of management orders: furniture), in subsection...
166. In section 130 (termination of management orders; leases, agreements and...

167. In section 133 (making of interim EDMOs), in subsections (1)(b),...
168. In section 134 (authorisation to make interim EDMOs), in subsection...
169. In section 138 (compensation payable to third parties), in subsection...
170. In section 143 (appeals against overcrowding notices)—
171. In section 144 (revocation and variation of overcrowding notices)—
172. In section 181(6)(a) (exceptions to the right to buy: determination...
173. In section 229 (residential property tribunals), in subsection (3), for...
174. In section 230(1) (powers and procedure of residential property tribunals),...
175. In section 231 (appeals from residential property tribunals), for subsection...
176. After section 231 (appeals from residential property tribunals) insert—
First-tier...
177. In section 244 (power to prescribe forms), in subsection (2)...
178. In section 255 (HMO declarations)— (a) in subsection (9), for...
179. In section 256 (revocation of HMO declarations), in subsection (4),...
180. In section 261 (meaning of “appropriate national authority”, “local housing...
181. In Schedule 1 (procedure and appeals relating to improvement notices)—...
182. In Schedule 2 (procedure and appeals relating to prohibition orders)—...
183. In Schedule 3 (improvement notices: enforcement action by local housing...
184. In Schedule 5 (Licences under Parts 2 and 3: procedure...
185. In Schedule 6 (management orders: procedures and appeals)—
186. In Schedule 7 (further provisions regarding empty dwelling management orders)—...
187. In Schedule 13 (residential property tribunals: procedure), in paragraph 1, ...
PART 2 — Provisions consequential upon transfer of functions from agricultural land tribunals for areas in England
188. Hill Farming Act 1946
189. Agriculture Act 1947
190. In section 73 (establishment, constitution and procedure of agricultural land...
191. For section 75 (provisions as to land lying partly in...
192. In section 106(7) (criminal offence in support of provisions as...
193. (1) Schedule 9 (constitution etc of commission, sub-commission, committees and...
194. Agriculture (Miscellaneous Provisions) Act 1954
195. In section 5 (power of agricultural land tribunal to award...
196. In section 6 (power of Agricultural land Tribunal to refer...
197. After section 6 insert— Stay of First-tier Tribunal decision pending...
198. Opencast Coal Act 1958
199. Forestry Act 1967
200. Land Compensation Act 1973
201. In section 59 (notice to quit agricultural holding: right to...
202. In section 61 (notice to quit part of agricultural holding:...
203. Agricultural Holdings Act 1986
204. In section 27 (costs in proceedings for tribunal consents to...
205. In section 40 (provisions supplementary to section 39) for subsection...
206. For section 42 substitute— Procedure where deceased held more than...
207. In section 53 (application for tenancy of holding by nominated...
208. In section 67 (compensation for long-term improvements: consent required), at...
209. In section 96(1) (interpretation) for the definition of “the Tribunal”...
210. In Schedule 6 (eligibility to apply for new tenancy under...
211. Agriculture Act 1986

- 212. Land Drainage Act 1991
- 213. In section 28 (orders requiring the cleansing of ditches etc)—...
- 214. In section 30 (authorisation of drainage works in connection with...
- 215. In section 31 (composition and incidental powers of Agricultural Land...
- 216. Agricultural Tenancies Act 1995
 - PART 3 — Provisions consequential upon transfer of functions from and abolition of the Adjudicator to Her Majesty’s Land Registry
- 217. Superannuation Act 1972
- 218. House of Commons Disqualification Act 1975
- 219. Northern Ireland Assembly Disqualification Act 1975
- 220. Tribunals and Inquiries Act 1992
- 221. Judicial Pensions and Retirement Act 1993
- 222. In Part 2 of Schedule 1 (other appointments), omit the...
- 223. In Schedule 5 (retirement provisions: the relevant offices), omit the...
- 224. Law of Property (Miscellaneous Provisions) Act 1994
- 225. Land Registration Act 2002
- 226. In section 73(7) (objections), for “adjudicator”, substitute “First-tier Tribunal”.
- 227. Omit section 107 (the adjudicator).
- 228. In section 108 (jurisdiction)— (a) in subsection (1), for “adjudicator”,...
- 229. Omit section 109 (procedure).
- 230. In section 110 (functions in relation to disputes)—
- 231. In section 111 (appeals)— (a) For subsections (1) and (2),...
- 232. In section 112 (enforcement of orders etc) for “adjudicator” substitute...
- 233. Omit section 113 (fees).
- 234. Omit section 114 (supplementary).
- 235. In section 128 (rules, regulations and orders)—
- 236. In section 132 (general interpretation), in subsection (1), omit the...
- 237. In Schedule 5, in paragraph 4 (land registry network: appeals)—...
- 238. Omit Schedule 9 (which makes further provision about the adjudicator)....
- 239. Constitutional Reform Act 2005
- 240. In Schedule 7 (protected functions of the Lord Chancellor), in...
- 241. In Part 3 of Schedule 14 (appointments by the Lord...

SCHEDULE 2 — Consequential provisions – secondary legislation

PART 1 — Provisions consequential upon transfer of functions from rent assessment committees for areas in England

- 1. The Rent Assessment Committees (England and Wales) Regulations 1971
- 2. The Rent Act 1977 (Forms etc) Regulations 1980
- 3. In regulation 8— (a) for “The register” substitute “Each of...
- 4. In Schedule 1— (a) in Form 1—
- 5. The Rent Book (Forms of Notice) Regulations 1982
- 6. The Assured Tenancies and Agricultural Occupancies (Rent Information) Order 1988
- 7. For article 3, substitute— In cases to which this Order applies, the information which...
- 8. In article 4, for “each” substitute “the”.
- 9. In the Schedule (specified information), in paragraph 11, for “committee”...
- 10. The Leasehold Reform (Collective Enfranchisement and Lease Renewal) Regulations 1993
- 11. In Schedule 1 (Collective Enfranchisement)— (a) in paragraphs 3(2), 6(1)...
- 12. In Schedule 2 (lease renewal), in paragraph 7(1) for “a...

13. The Assured Tenancies and Agricultural Occupancies (Forms) Regulations 1997
14. In regulation 3 (prescribed forms), in paragraphs (e) and (f),...
15. In the Schedule (forms prescribed for the purposes of Part...
16. In Form No. 6— (a) in the heading, for “Rent...
17. In Form No. 9, in paragraph 3, for the paragraph...
18. The Leasehold Reform (Notices) Regulations 1997
19. The Rent Assessment Committee (England and Wales) (Leasehold Valuation Tribunal) (Amendment) Regulations 1997
20. The Long Residential Tenancies (Principal Forms) Regulations 1997
21. In regulation 3 (forms), in paragraph (e), for “rent assessment...
22. In the notes to Form 1— (a) in Note 13,...
23. In the notes to Form 3— (a) in Note 2,...
24. In the notes to Form 4— (a) in Note 3,...
25. In Form 5— (a) in the heading, for “Rent Assessment...
26. The Leasehold Valuation Tribunals (Fees) (England) Regulations 2003
27. The Leasehold Valuation Tribunals (Procedure) (England) Regulations 2003
28. The Leasehold Valuation Tribunals (Procedure) (Amendment) (England) Regulations 2004
29. The Landlord and Tenant (Notice of Rent) (England) Regulations 2004
30. The Housing (Empty Dwelling Management Orders) (Prescribed Exceptions and Requirements) (England) Order 2006
31. The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006
32. In regulations 11(1)(g), 12(1)(g) and 13(1)(f), for “a residential property...
33. In regulation 13(3)(f) for “a residential property tribunal or to...
34. The Rent Repayment Orders (Supplementary Provisions) (England) Regulations 2007
35. In regulation 2 (overpayments of housing benefit), in paragraph (2),...
36. In regulation 3(3) (costs of proceedings), omit “residential property”.
37. The Administration Charges (Summary of Rights and Obligations) (England) Regulations 2007
38. In regulation 2 (form and content of summary of rights...
39. The Service Charges (Summary of Rights and Obligations, and Transitional Provision) (England) Regulations 2007
40. In regulation 3 (form and content of summary of rights...
41. The Right to Manage (Prescribed Particulars and Forms) (England) Regulations 2010
42. In regulation 5(a) and (b)(i) (additional content of counter-notice), omit...
43. In Schedule 2 (form of claim notice) in Note 1,...
44. In Schedule 3 (form of counter-notice) at paragraphs 2 and...
45. The Mobile Homes Act 1983 (Jurisdiction of Residential Property Tribunals) (England) Order 2011
46. In article 2 (jurisdiction of residential property tribunals in relation...
47. Omit article 4 (amendments to the Housing Act 2004)
48. The Mobile Homes (Written Statement) (England) Regulations 2011
49. Residential Property Tribunal Procedure and Fees (England) Regulations 2011
- PART 2 — Provisions consequential upon transfer of functions from agricultural land tribunals for areas in England
50. The Reserve and Auxiliary Forces (Agricultural Tenants) Regulations 1959
51. In regulation 3— (a) insert after the definition of the...

52. In regulation 5, for “chairman” in both places, substitute “appropriate...
53. In regulation 6, for “chairman” in both places, substitute “appropriate...
54. After regulation 7, insert— Where the appropriate tribunal is the First-tier Tribunal, the application...
55. The Agricultural Land Tribunals (Areas) Order 1982
56. The Farm Woodland Scheme 1988
57. The Set-Aside Regulations 1988
58. The Farm Woodland Premium Scheme 1992
59. The Farm Woodland Premium Scheme 1997
60. The Agricultural Land Tribunals (Rules) Order 2007
61. In paragraphs (1) and (2) of article 2, for “Tribunals”...
62. In the Schedule (Agricultural Land Tribunals Rules)—
PART 3 — Provisions consequential upon transfer of functions from and abolition of the Adjudicator to Her Majesty’s Land Registry
63. The Land Registration (Referral to the Adjudicator to HM Land Registry) Rules 2003
64. In rule 3 (procedure for referral to the adjudicator)—
65. In rule 5 (notice of referral to the adjudicator)—
66. The Adjudicator to Her Majesty’s Land Registry (Practice and Procedure) Rules 2003
67. The Land Registration (Acting Adjudicator) Regulations 2003
68. The Superannuation (Admission to Schedule 1 to the Superannuation Act 1972) Order 2006
69. The Administrative Justice and Tribunals Council (Listed Tribunals) Order 2007
70. The Network Access Appeal Rules 2008
71. The Adjudicator to Her Majesty’s Land Registry (Practice and Procedure) (Amendment) Rules 2008
72. The Land Registration (Network Access) Rules 2008
73. In rule 8 (termination after notice)— (a) in paragraph (6),...
74. In rule 10 (suspension of termination pending appeal)—

SCHEDULE 3 — Transitional and saving provisions

1. Any proceedings before an old tribunal which are pending immediately...
2. Any case in the process of being referred to an...
3. (1) The following sub-paragraphs apply where proceedings are continued in...
4. Where an appeal lies to the High Court from any...
5. Where an appeal lies to the High Court from any...
6. Where an appeal lies to the High Court from any...
7. Staff appointed to an old tribunal before 1st July 2013,...
8. For the purposes of this Schedule, “an old tribunal” means—...
9. Saving provision

Explanatory Note