Tribunals, Courts and Enforcement Act 2007

2007 CHAPTER 15

PART 1

TRIBUNALS AND INQUIRIES

CHAPTER 4

ADMINISTRATIVE MATTERS IN RESPECT OF CERTAIN TRIBUNALS

39 The general duty

(1) The Lord Chancellor is under a duty to ensure that there is an efficient and effective system to support the carrying on of the business of—

(a) the First-tier Tribunal,

(b) the Upper Tribunal,

(c) employment tribunals,**[**[F1] and**]**

(d) the Employment Appeal Tribunal, [F2]. . .

(e) [F2]. . . . . .

and that appropriate services are provided for those tribunals (referred to in this section and in sections 40 and 41 as "the tribunals").

(2) Any reference in this section, or in section 40 or 41, to the Lord Chancellor's general duty in relation to the tribunals is to his duty under subsection (1).

(3) The Lord Chancellor must annually prepare and lay before each House of Parliament a report as to the way in which he has discharged his general duty in relation to the tribunals.

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Textual Amendments

F1 Word in s. 39(1)(c) inserted (15.2.2010) by The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 (S.I. 2010/21), **Sch. 1 para. 40(a)** (with Sch. 4)

F2 S. 39(1)(e) and word omitted (15.2.2010) by virtue of The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 (S.I. 2010/21), **Sch. 1 para. 40(b)** (with Sch. 4)

40 Tribunal staff and services

(1) The Lord Chancellor may appoint such staff as appear to him appropriate for the purpose of discharging his general duty in relation to the tribunals.

(2) Subject to subsections (3) and (4), the Lord Chancellor may enter into such contracts with other persons for the provision, by them or their sub-contractors, of staff or services as appear to him appropriate for the purpose of discharging his general duty in relation to the tribunals.

(3) The Lord Chancellor may not enter into contracts for the provision of staff to discharge functions which involve making judicial decisions or exercising any judicial discretion.

(4) The Lord Chancellor may not enter into contracts for the provision of staff to carry out the administrative work of the tribunals unless an order made by the Lord Chancellor authorises him to do so.

(5) Before making an order under subsection (4) the Lord Chancellor must consult the Senior President of Tribunals as to what effect (if any) the order might have on the proper and efficient administration of justice.

(6) An order under subsection (4) may authorise the Lord Chancellor to enter into contracts for the provision of staff to discharge functions—

(a) wholly or to the extent specified in the order,

(b) generally or in cases or areas specified in the order, and

(c) unconditionally or subject to the fulfilment of conditions specified in the order.

41 Provision of accommodation

(1) The Lord Chancellor may provide, equip, maintain and manage such tribunal buildings, offices and other accommodation as appear to him appropriate for the purpose of discharging his general duty in relation to the tribunals.

(2) The Lord Chancellor may enter into such arrangements for the provision, equipment, maintenance or management of tribunal buildings, offices or other accommodation as appear to him appropriate for the purpose of discharging his general duty in relation to the tribunals.

(3) The powers under—

(a) section 2 of the Commissioners of Works Act 1852 (c. 28) (acquisition by agreement), and

(b) section 228(1) of the Town and Country Planning Act 1990 (c. 8) (compulsory acquisition),

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to acquire land necessary for the public service are to be treated as including power to acquire land for the purpose of its provision under arrangements entered into under subsection (2).

(4) In this section "tribunal building" means any place where any of the tribunals sits, including the precincts of any building in which it sits.

42 Fees

(1) The Lord Chancellor may by order prescribe fees payable in respect of—
- (a) anything dealt with by the First-tier Tribunal,
- (b) anything dealt with by the Upper Tribunal,
- (c) [F3]. . . . . .
- (d) anything dealt with by an added tribunal, and
- (e) mediation conducted by staff appointed under section 40(1).

(2) An order under subsection (1) may, in particular, contain provision as to—
- (a) scales or rates of fees;
- (b) exemptions from or reductions in fees;
- (c) remission of fees in whole or in part.

(3) In subsection (1)(d) "added tribunal" means a tribunal specified in an order made by the Lord Chancellor.

(4) A tribunal may be specified in an order under subsection (3) only if—
- (a) it is established by or under an enactment, whenever passed or made, and
- (b) is not an ordinary court of law.

(5) Before making an order under this section, the Lord Chancellor must consult—
- (a) the Senior President of Tribunals, [F4]...
- [F4](b) . . . . . .

(6) The making of an order under subsection (1) requires the consent of the Treasury except where the order contains provision only for the purpose of altering amounts payable by way of fees already prescribed under that subsection.

(7) The Lord Chancellor must take such steps as are reasonably practicable to bring information about fees under subsection (1) to the attention of persons likely to have to pay them.

(8) Fees payable under subsection (1) are recoverable summarily as a civil debt.

(9) Subsection (8) does not apply to the recovery in Scotland of fees payable under this section.

[F5](10) . . . . . .

Textual Amendments

F3 S. 42(1)(c) omitted (15.2.2010) by virtue of The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 (S.I. 2010/22), **Sch. 1 para. 41** (with Sch. 4)

F4 S. 42(5)(b) omitted (19.9.2013) by virtue of The Public Bodies (Abolition of Administrative Justice and Tribunals Council) Order 2013 (S.I. 2013/2042), art. 1(2), **Sch. para. 32(a)**

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F5 S. 42(10) omitted (19.9.2013) by virtue of The Public Bodies (Abolition of Administrative Justice and Tribunals Council) Order 2013 (S.I. 2013/2042), art. 1(2), **Sch. para. 32(b)**

43 Report by Senior President of Tribunals

(1) Each year the Senior President of Tribunals must give the Lord Chancellor a report covering, in relation to relevant tribunal cases—

(a) matters that the Senior President of Tribunals wishes to bring to the attention of the Lord Chancellor, and

(b) matters that the Lord Chancellor has asked the Senior President of Tribunals to cover in the report.

(2) The Lord Chancellor must publish each report given to him under subsection (1).

(3) In this section "relevant tribunal cases" means—

(a) cases coming before the First-tier Tribunal,

(b) cases coming before the Upper Tribunal,

(c) cases coming before the Employment Appeal Tribunal, [F6]. . . **[**[F7] and**]**

(d) cases coming before employment tribunals **[**[F8], [F9]. . .

(e) [F9]. . . . . **]**

Textual Amendments

F6 Words in s. 43(3) repealed (1.4.2008) by UK Borders Act 2007 (c. 30), ss. 58, 59, **Sch.**; S.I. 2008/309, **art. 4(h)**

F7 Word in s. 43(3)(c) inserted (15.2.2010) by The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 (S.I. 2010/21), **Sch. 1 para. 42(a)** (with Sch. 4)

F8 S. 43(3)(e) and word added (1.4.2008) by UK Borders Act 2007 (c. 30), **ss. 56(1)**, 59; S.I. 2008/309, **art. 4(g)**

F9 S. 43(3)(e) and word omitted (15.2.2010) by virtue of The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 (S.I. 2010/21), **Sch. 1 para. 42(b)** (with Sch. 4)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

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