
STATUTORY INSTRUMENTS

2009 No. 1590

TRIBUNALS AND INQUIRIES

**The First-tier Tribunal and Upper Tribunal
(Chambers) (Amendment No. 3) Order 2009**

Made - - - - *29th June 2009*
Laid before Parliament *30th June 2009*
Coming into force - - *1st September 2009*

The Lord Chancellor, with the concurrence of the Senior President of Tribunals, makes the following Order in exercise of the power conferred by section 7(1) and (9) of the Tribunals, Courts and Enforcement Act 2007(1).

Citation and commencement

1. This order may be cited as the First-tier Tribunal and Upper Tribunal (Chambers) (Amendment No. 3) Order 2009 and comes into force on 1st September 2009.

Amendments to the First-tier Tribunal and Upper Tribunal (Chambers) Order 2008

2. The First-tier Tribunal and Upper Tribunal (Chambers) Order 2008(2) is amended as follows.
3. In article 2 (First-tier Tribunal Chambers) after paragraph (d) insert—
“*(e)* the General Regulatory Chamber.”
4. In article 3(c) (functions of the Social Entitlement Chamber) before sub-paragraph (i) insert—
“*(ai)* appeals under section 11 of the Social Security Contributions (Transfer of Functions, etc.) Act 1999(3) (appeals against decisions of Her Majesty’s Revenue and Customs);”.
5. After article 5A (functions of the Tax Chamber) insert—

“Functions of the General Regulatory Chamber

5B. To the General Regulatory Chamber are assigned all functions relating to—

(1) 2007 c. 15.
(2) S.I. 2008/2684 as amended by the First-tier Tribunal and Upper Tribunal (Chambers) (Amendment) Order 2009 (S.I. 2009/196) and the First-tier Tribunal and Upper Tribunal (Chambers) (Amendment No.2) Order 2009 (S.I. 2009/1021).
(3) 1999 c. 2. Section 11 was amended by section 9(4) of the Employment Act 2002 (c. 22), paragraph 47 of Schedule 1 to the Work and Families Act 2006 (c. 18) and paragraph 270 of Schedule 1 to the Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56).

- (a) proceedings in respect of the decisions and actions of regulatory bodies which are not assigned to the Health, Education and Social Care Chamber by article 5;
 - (b) matters referred to the First-tier Tribunal under Schedule 1D to the Charities Act 1993(4); and
 - (c) the determination of remuneration for carrying mail-bags in a ship or aircraft.”
6. In article 6 (Upper Tribunal Chambers) for paragraph (b) substitute—
- “(b) the Tax and Chancery Chamber;”.
7. In article 7 (functions of the Administrative Appeals Chamber)—
- (a) in paragraph (a)(i) for “decisions made in the Tax Chamber” substitute “an appeal assigned to the Tax and Chancery Chamber by article 8(1)(a)”;
 - (b) after paragraph (a)(vi) insert—
 - “(vii) against a decision of the Information Commissioner transferred to the Upper Tribunal from the First-tier Tribunal under Tribunal Procedure Rules;
 - (viii) against a decision of a traffic commissioner.”;
 - (c) in paragraph (b) after “an application” insert “, except an application assigned to the Tax and Chancery Chamber by article 8(1)(e), for the Upper Tribunal”;
 - (d) in paragraph (c) for “unless the reference is made by the Tax Chamber” substitute “except where the reference is assigned to the Tax and Chancery Chamber by article 8(1)(d)”;
 - (e) after paragraph (c) insert—
 - “(d) a determination or decision under section 4 of the Forfeiture Act 1982(5).”
8. For article 8 (functions of the Finance and Tax Chamber) substitute—

“Functions of the Tax and Chancery Chamber

- 8.—(1) To the Tax and Chancery Chamber are assigned all functions relating to—
- (a) an appeal against a decision of the First-tier Tribunal made—
 - (i) in the Tax Chamber; or
 - (ii) in a charities case;
 - (b) an application under paragraph 50(1)(d) of Schedule 36 to the Finance Act 2008(6);
 - (c) proceedings transferred to the Upper Tribunal under Tribunal Procedure Rules—
 - (i) from the Tax Chamber of the First-tier Tribunal; or
 - (ii) from the First-tier Tribunal in a charities case;
 - (d) a matter referred to the Upper Tribunal under section 9(5)(b) of the Tribunals, Courts and Enforcement Act 2007—
 - (i) by the Tax Chamber of the First-tier Tribunal; or
 - (ii) by the First-tier Tribunal in a charities case;
 - (e) an application for the Upper Tribunal to grant the relief mentioned in section 15(1) of the Tribunals, Courts and Enforcement Act 2007 (Upper Tribunal’s “judicial review” jurisdiction), or to exercise the powers of review under section 21(2) of

(4) 1993 c. 10. Schedule 1D was inserted by Schedule 4 to the Charities Act 2006 (c. 50).

(5) 1983 c. 34. Relevant amendments to section 4 were made by section 76(2) of the Social Security Act 1986 (c. 50) and paragraph 38 of Schedule 3 to the Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833).

(6) 2008 c. 9.

that Act (Upper Tribunal’s “judicial review” jurisdiction: Scotland), which relates to—

- (i) a decision of the First-tier Tribunal mentioned in paragraph (a)(i) or (ii);
- (ii) a function of the Commissioners for Her Majesty’s Revenue and Customs or an officer of Revenue and Customs, with the exception of any function in respect of which an appeal would be allocated to the Social Entitlement Chamber by article 3;
- (iii) the exercise by the Serious Organised Crime Agency of general Revenue functions or Revenue inheritance tax functions (as defined in section 323 of the Proceeds of Crime Act 2002⁽⁷⁾), with the exception of any function in relation to which an appeal would be allocated to the Social Entitlement Chamber by article 3;
- (iv) a function of the Charity Commission.

(2) In this article “a charities case” means an appeal or application in respect of a decision, order or direction of the Charity Commission, or a reference under Schedule 1D of the Charities Act 1993.”

By authority of the Lord Chancellor

26th June 2009

Bridget Prentice
Parliamentary Under Secretary of State
Ministry of Justice

I concur

29th June 2009

Robert Carnwath
Senior President of Tribunals

(7) 2002 c. 29.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the First-tier Tribunal and Upper Tribunal (Chambers) Order 2008 (“the 2008 Order”). The 2008 Order organised the First-tier Tribunal and Upper Tribunal into chambers and made provision for the allocation of those tribunals’ functions between the chambers. This Order creates a new General Regulatory Chamber in the First-tier Tribunal, and allocates functions to this new chamber. It clarifies the division of functions between the Social Entitlement Chamber and the Tax Chamber of the First-tier Tribunal. It renames the Finance and Tax Chamber of the Upper Tribunal as the Tax and Chancery Chamber, and adds to the functions allocated to that Chamber and to the Administrative Appeals Chamber of the Upper Tribunal. Finally, the Order amends the allocation of functions in relation to the Upper Tribunal’s “judicial review” jurisdiction so that some of those functions are allocated to the Tax and Chancery Chamber and the remainder to the Administrative Appeals Chamber.