
STATUTORY INSTRUMENTS

2010 No. 22

The Transfer of Tribunal Functions Order 2010

Citation, commencement and extent

1.—(1) This Order may be cited as the Transfer of Tribunal Functions Order 2010 and, subject to paragraph (2), comes into force on 18th January 2010.

(2) The following provisions of this Order come into force on 6th April 2010—

- (a) paragraph (5);
- (b) article 2(2), (3)(b) and (4);
- (c) article 3 in respect of the Financial Services and Markets Tribunal;
- (d) Schedule 1 in respect of the Financial Services and Markets Tribunal and the Pensions Regulator Tribunal;
- (e) in Schedule 2, paragraphs 3(c)(i), 4(c), 5 to 9, 12 to 14, 15(c), 17(b), 18(b), 20 to 23, 43 to 49, 74 to 89, 92(h) to (k) and 141 to 151;
- (f) in Schedule 3, paragraphs 16 to 38, 90 to 94, 140 to 142, 143(d), 144 to 146, 148 to 158, 176 to 189 and 191 to 200; and
- (g) Part 2 of Schedule 4.

(3) Subject as follows, this Order extends to England and Wales, Scotland and Northern Ireland.

(4) Except as provided by paragraph (5), an amendment, repeal or revocation of any enactment by any provision of Schedule 2, 3 or 4 extends to the part or parts of the United Kingdom to which the enactment extends.

(5) The amendments, repeals and revocations made by the following provisions do not extend to Northern Ireland—

- (a) in Schedule 2, paragraphs 5(b), 9(b), 77 to 79, 83 to 85, 88, 142(b) and 143(b);
- (b) in Schedule 3, paragraphs 90 to 94;
- (c) in Part 2 of Schedule 4, the entries relating to—
 - (i) the Tribunals, Courts and Enforcement Act 2007(1) in so far as it relates to paragraph 40 of Schedule 10;
 - (ii) the Pensions Act 2008(2);
 - (iii) the Pensions Regulator Tribunal Rules 2005(3); and
 - (iv) the Lord Chancellor (Transfer of Functions and Supplementary Provisions) (No. 2) Order 2006(4).

Transfer of functions of certain tribunals

2.—(1) The functions of the following tribunals are transferred to the First-tier Tribunal—

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- (1) 2007 c. 15.
 - (2) 2008 c. 30.
 - (3) S.I. 2005/690.
 - (4) S.I. 2006/1016.

Status: This is the original version (as it was originally made).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

- (a) tribunals drawn from the Adjudication Panel for England;
- (b) the Claims Management Services Tribunal;
- (c) the Gambling Appeals Tribunal;
- (d) the Immigration Services Tribunal; and
- (e) the Family Health Services Appeal Authority.

(2) The functions of the Financial Services and Markets Tribunal are transferred to the Upper Tribunal.

(3) The functions of the following tribunals are transferred to the First-tier Tribunal and the Upper Tribunal with the question as to which one of them is to exercise the functions in a particular case being determined by, or under, Tribunal Procedure Rules—

- (a) the Information Tribunal; and
- (b) subject to paragraph (4), the Pensions Regulator Tribunal.

(4) The functions of the Pensions Regulator Tribunal exercisable in relation to Northern Ireland are not transferred.

Abolition of tribunals

3. The tribunals mentioned in article 2(1), (2) and (3)(a) are abolished.

Persons becoming judges and other members of the First-tier Tribunal and the Upper Tribunal

4. A person who, immediately before this Order comes into force, holds an office listed in a part of Schedule 1, is to hold the office or offices set out in the corresponding entry in the table below.

<i>Part of Schedule 1</i>	<i>Office or offices</i>
Part 1	Transferred-in judge of the Upper Tribunal
Part 2	Transferred-in other member of the Upper Tribunal
Part 3	Deputy judge of the Upper Tribunal and transferred in judge of the First-tier Tribunal
Part 4	Transferred-in judge of the First-tier Tribunal
Part 5	Transferred-in other member of the First-tier Tribunal

Consequential, transitional and saving provisions

5.—(1) Schedule 2 contains amendments to primary legislation as a consequence of the transfers effected by this Order.

(2) Schedule 3 contains amendments to secondary legislation as a consequence of the transfers effected by this Order.

(3) Schedule 4 contains repeals and revocations as a consequence of the amendments in Schedules 2 and 3.

- (4) Schedule 5 contains transitional and saving provisions.

By authority of the Lord Chancellor

6th January 2010

Bridget Prentice
Parliamentary Under-Secretary of State
Ministry of Justice