

## SCHEDULE 2

Article 5(1)

### Consequential amendments to primary legislation

#### **Public Records Act 1958**

1. In paragraph 4(1) of Schedule 1 to the Public Records Act 1958(1) (definition of public records) omit paragraphs (ja) and (nn).

#### **Parliamentary Commissioner Act 1967**

2. In Schedule 4 to the Parliamentary Commissioner Act 1967(2) (relevant tribunals for the purposes of section 5(7)) omit the entry relating to the Information Tribunal.

#### **House of Commons Disqualification Act 1975**

3. In Schedule 1 to the House of Commons Disqualification Act 1975(3) (offices disqualifying for membership)—

- (a) in Part 1 (judicial offices) omit the entry relating to a member of the Immigration Services Tribunal;
- (b) in Part 2 (bodies of which all members are disqualified) omit the entries relating to—
  - (i) the Gambling Appeals Tribunal; and
  - (ii) the Information Tribunal; and
- (c) in Part 3 (other disqualifying offices) omit the entries relating to—
  - (i) any member, in receipt of remuneration, of a panel of persons who may be selected to act as members of the Financial Services and Markets Tribunal; and
  - (ii) the President and any Deputy President of the Family Health Services Appeal Authority.

#### **Northern Ireland Assembly Disqualification Act 1975**

4. In Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975(4) (offices disqualifying for membership)—

- (a) in Part 1 (judicial offices) omit the entry relating to a member of the Immigration Services Tribunal;
- (b) in Part 2 (bodies of which all members are disqualified) omit the entry relating to the Information Tribunal; and

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(1) 1958 c. 51. Amended by paragraph 3(2) of Part 1 of Schedule 2 to the Freedom of Information Act 2000 (c. 36) and by paragraph 30 of Schedule 1 to the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307)

(2) 1967 c. 13, Schedule 4 was substituted by Schedule 2 to the Parliamentary Commissioner Order 2007 (S.I. 2007/3470).

(3) 1975 c.24. The entries omitted by this Order were inserted by paragraph 12 of Schedule 7 to the Immigration and Asylum Act 1999 (c. 33), paragraph 1(b) of Schedule 20 to the Financial Services and Markets Act 2000 (c. 8), paragraph 8(1) of Part 1 of Schedule 2 to the Freedom of Information Act 2000 (c. 36), paragraph 3 of Schedule 5 to the Health and Social Care Act 2001 (c. 15) and paragraph 16 of Schedule 8 to the Gambling Act 2005 (c. 19). The entry relating to the President and any Deputy President of the Family Health Services Appeal Authority was amended by paragraph 54(d) of Schedule 1 to the National Health Service (Consequential Provisions) Act 2006 (c. 43).

(4) 1975 c. 25. The entries omitted by this Order were inserted by paragraph 13 of Schedule 7 to the Immigration and Asylum Act 1999 (c. 33), paragraph 2(b) of Schedule 20 to the Financial Services and Markets Act 2000 (c. 8) and paragraph 9(1) of Part 1 of Schedule 2 to the Freedom of Information Act 2000 (c. 36).

- (c) in Part 3 (other disqualifying offices) omit the entry for any member, in receipt of remuneration, of a panel of persons who may be selected to act as members of the Financial Services and Markets Tribunal.

### **Companies Act 1985**

5. In Schedule 15D to the Companies Act 1985(5)(disclosures)—
- (a) for paragraph 43 substitute—
- “43. A disclosure with a view to the institution of, or otherwise for the purposes of, proceedings before the Upper Tribunal in respect of—
- (a) a decision of the Financial Services Authority;
- (b) a decision of the Bank of England; or
- (c) a decision of a person relating to the assessment of any compensation or consideration under the Banking (Special Provisions) Act 2008(6) or the Banking Act 2009(7).”; and
- (b) in paragraph 44A for “the Pensions Regulator Tribunal” substitute “a tribunal in relation to a decision of the Pensions Regulator”.

### **Building Societies Act 1986**

6. The Building Societies Act 1986(8) is amended as follows.
7. In section 46A (notices, hearings and appeals)—
- (a) in subsection (5) for “Financial Services and Markets Tribunal” substitute “Upper Tribunal”; and
- (b) omit subsection (7).
8. In section 93 (amalgamations)—
- (a) in subsection (6B) for “Financial Services and Markets Tribunal” substitute “Upper Tribunal”; and
- (b) in subsection (6C) for “section 133(9)” substitute “section 133A(4)”.

### **Companies Act 1989**

9. In Section 87(2) of the Companies Act 1989(9) (exceptions from restrictions on disclosure)—
- (a) for paragraph (b) substitute—
- “(b) civil proceedings arising under or by virtue of the Financial Services and Markets Act 2000 and proceedings before the Upper Tribunal in respect of—
- (i) a decision of the Financial Services Authority;
- (ii) a decision of the Bank of England; or

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(5) 1985 c. 6. Schedule 15D was inserted by paragraphs 16 and 25 of Schedule 2 to the Companies (Audit, Investigations and Community Enterprise) Act 2004 (c. 27). Paragraph 44A was inserted by paragraph 19 of Schedule 4 to the Pensions Act 2004 (c. 35).

(6) 2008 c. 2.

(7) 2009 c. 1.

(8) 1986 c. 53. Sections 46A and 93(6B) were inserted by paragraphs 131, 148 and 177(d) of Schedule 3 to the Financial Services and Markets Act 2000 (Mutual Societies) Order 2001 (S.I. 2001/2617).

(9) 1989 c. 40. Section 87(2)(b) was substituted by article 77(1) and (2) of the Financial Services and Markets Act 2000 (Consequential Amendments and Repeals) Order 2001 (S.I. 2001/3649). Section 87(2)(d) was inserted by paragraph 20 of Schedule 4 to the Pensions Act 2004 (c. 35).

- (iii) a decision of a person relating to the assessment of any compensation or consideration under the Banking (Special Provisions) Act 2008(10) or the Banking Act 2009(11),” and
- (b) in paragraph (d) for “the Pensions Regulator Tribunal” substitute “a tribunal in relation to a decision of the Pensions Regulator”.

### **Courts and Legal Services Act 1990**

10. In Schedule 11 to the Courts and Legal Services Act 1990(12) (judges etc. barred from legal practice) omit the entry relating to the President of the Gambling Appeals Tribunal.

### **Planning and Compensation Act 1991**

11. In Part 2 of Schedule 18 to the Planning and Compensation Act 1991(13) (compensation provisions referred to in section 80) for the entry for rule 32 of the Tribunal Procedure (Upper Tribunal) (Lands Chamber) Rules 2009 substitute—

“Rule 32 of the Lands Tribunal Rules 1996 (awards with interest by Lands Chamber of the Upper Tribunal).”.

### **Friendly Societies Act 1992**

12. The Friendly Societies Act 1992(14) is amended as follows.

13. In section 58A (notices, hearings and appeals)—

- (a) in subsection (5) for “Financial Services and Markets Tribunal” substitute “Upper Tribunal”; and
- (b) omit subsection (7).

14. In section 85 (amalgamation of friendly societies)—

- (a) in subsection (4C) for “Financial Services and Markets Tribunal” substitute “Upper Tribunal”; and
- (b) in subsection (4D) for “section 133(9)” substitute “section 133A(4)”.

### **Tribunals and Inquiries Act 1992**

15. In Part 1 of Schedule 1 to the Tribunals and Inquiries Act 1992(15) (tribunals under direct supervision of Council) omit—

- (a) paragraph 8A relating to the Claims Management Services Tribunal;

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(10) 2008 c. 2.

(11) 2009 c. 1.

(12) 1990 c.41. The entry relating to the President of the Gambling Appeals Tribunal was inserted by paragraph 17 of Schedule 8 to the Gambling Act 2005 (2005 c.19).

(13) 1991 c. 34. Part 2 of Schedule 18 was amended by article 2(1) and (3) of the Planning and Compensation Act 1991 (Amendment of Schedule 18) Order 1999 (S.I. 1999/648) and paragraph 215 of Schedule 1 to the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307).

(14) 1992 c. 40. Sections 58A and 85(4C) and (4D) were inserted by paragraphs 53, 75 and 95(b) of Schedule 3 to the Financial Services and Markets Act 2000 (Mutual Societies) Order 2001 (S.I. 2001/2617).

(15) 1992 c.53. In Schedule 1, paragraph 8A was inserted by section 12(6) of the Compensation Act 2006 (c. 29). Paragraph 14(b) was substituted by paragraph 16 of Schedule 15 to the Data Protection Act 1998 (c. 29) and by paragraph 10(b) of Schedule 2 to the Freedom of Information Act 2000 (c. 36). Paragraph 18 was inserted by paragraph 6 of Schedule 20 to the Financial Services and Markets Act 2000 (c. 8). Paragraph 21C was inserted by paragraph 15 of Schedule 8 to the Gambling Act 2005 (c.19). Paragraph 22A was inserted by paragraph 97 of Schedule 14 to the Immigration and Asylum Act 1999 (c. 33), however that provision was not commenced before the making of this Order. Paragraph 33(b) was substituted by paragraph 10 of Schedule 5 to the Health and Social Care Act 2001 (c. 15) and amended by paragraph 157(c) of Schedule 1 to the National Health Service (Consequential Provisions) Act 2006 (c. 43).

- (b) paragraph 14(b) relating to the Information Tribunal;
- (c) paragraph 18 relating to the Financial Services and Markets Tribunal;
- (d) paragraph 21C relating to the Gambling Appeals Tribunal;
- (e) paragraph 22A relating to the Immigration Services Tribunal; and
- (f) paragraph 33(b) relating to the Family Health Services Appeal Authority.

### **Judicial Pensions and Retirement Act 1993**

**16.** The Judicial Pensions and Retirement Act 1993(**16**) is amended as follows.

**17.** In Part 2 of Schedule 1 (the offices which may be qualifying judicial offices – other appointments) omit the entries relating to—

- (a) the President of the Gambling Appeals Tribunal; and
- (b) the President or Deputy President of the Financial Services and Markets Tribunal.

**18.** In Schedule 5 (retirement provisions: the relevant offices) omit the entries relating to—

- (a) the chairman or a deputy chairman of the Information Tribunal;
- (b) a Member of the Financial Services and Markets Tribunal; and
- (c) the President or other member of the Gambling Appeals Tribunal.

**19.** In Schedule 7 (retirement dates: transitional provisions), in paragraph 5(5) omit paragraph (xxvi) relating to the chairman or a deputy chairman of the Information Tribunal.

### **Pension Schemes Act 1993**

**20.** In section 175(1)(d) of the Pension Schemes Act 1993(**17**) (levies towards certain expenditure) for “the Pensions Regulator Tribunal” substitute “a tribunal in relation to a decision of the Pensions Regulator”.

### **Pensions Act 1995**

**21.** The Pensions Act 1995(**18**) is amended as follows.

**22.** In section 3 (prohibition orders)—

- (a) in subsection (4)—
  - (i) in paragraph (a) for “the Tribunal” substitute “a tribunal”; and
  - (ii) in paragraph (b) for “the Tribunal’s determination” substitute “the determination of the tribunal concerned”; and
- (b) omit subsection (8).

**23.** In section 4 (suspension orders)—

- (a) in subsection (5A)—
  - (i) in paragraph (a) for “the Tribunal” substitute “a tribunal”; and

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**(16)** 1993 c.8. The entries relating to the Gambling Appeals Tribunal were inserted by paragraphs 3(4) and 6 of Schedule 8 to the Gambling Act 2005 (c.19). The entries relating to the Financial Services and Markets Tribunal were inserted by paragraph 7(1), (2) and (3)(b) of Schedule 20 to the Financial Services and Markets Act 2000 (c. 8). The entries relating to the Information Tribunal were amended by paragraphs 11 and 12 of Schedule 2 to the Freedom of Information Act 2000 (c. 36).

**(17)** 1993 c. 48. Subsection (1)(d) was substituted by paragraph 26(2) of Part 5 of Schedule 1 to the Pensions Act 2004 (c. 35).

**(18)** 1995 c. 26. Section 3 was substituted by section 33 of the Pensions Act 2004 (c. 35). Section 4(5A) and (7) were inserted by section 34(c) and (d) of that Act.

- (ii) in paragraph (b) for “the Tribunal’s determination” substitute “the determination of the tribunal concerned”; and
- (b) omit subsection (7).

### **Data Protection Act 1998**

- 24.** The Data Protection Act 1998(19) is amended as follows.
- 25.** In section 6 (the Commissioner and the Tribunal)—
  - (a) in the heading omit “and the Tribunal”;
  - (b) omit subsections (3) to (6); and
  - (c) in subsection (7) omit “and the Tribunal”.
- 26.** In section 26 (fees regulations) for paragraph (a) of subsection (2) (together with the “and” at the end) substitute—
  - “(a) the expenses incurred by the Commissioner in discharging his functions under this Act and any expenses of the Secretary of State in respect of the Commissioner so far as attributable to those functions; and”.
- 27.** In section 49 (determination of appeals) omit subsections (6) and (7).
- 28.** In section 55E(20) (notices under sections 55A and 55B: supplemental) in subsection (2)—
  - (a) omit paragraph (d);
  - (b) in paragraph (e) for “such appeals” substitute “appeals made by virtue of paragraph (c)”;
  - and
  - (c) omit paragraph (f).
- 29.** In section 70(1) (supplementary definitions) for the definition of “the Tribunal” substitute—
  - ““the Tribunal”, in relation to any appeal under this Act, means—
  - (a) the Upper Tribunal, in any case where it is determined by or under Tribunal Procedure Rules that the Upper Tribunal is to hear the appeal; or
  - (b) the First-tier Tribunal, in any other case;”.
- 30.** In Schedule 5 (the Information Commissioner and the Information Tribunal)—
  - (a) in the heading omit “and the Information Tribunal”; and
  - (b) omit Part 2 (the Tribunal).
- 31.** In Schedule 6 (appeal proceedings)—
  - (a) omit paragraphs 1 to 6; and
  - (b) in paragraph 7—
    - (i) for the heading substitute “Tribunal Procedure Rules”;
    - (ii) for sub-paragraphs (1) and (2) substitute—

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(19) 1998 c. 29. Amended by paragraphs 1(2), 13(3) and 14(b) of Part 1 of, and paragraphs 16 and 17 of Part 2 of, Schedule 2 and Schedule 4 to the Freedom of Information Act 2000 (c. 36), paragraph 275 of Schedule 4 and paragraph 5 of Schedule 11 to the Constitutional Reform Act 2005 (c. 4), paragraph 30 of Schedule 10 to the Tribunals, Courts and Enforcement Act 2007 (c. 15), section 144(1) of the Criminal Justice and Immigration Act 2008 (c. 4), the Schedule to the Transfer of Functions (Lord Advocate and Secretary of State) Order 1999 (S.I. 1999/678), paragraph 6(1)(bb) and (3) of the Transfer of Functions (Miscellaneous) Order 2001 (S.I. 2001/3500) and paragraph 9(1)(a), (c) and (d) and (2) of Schedule 2 to the Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887).

(20) Section 55E is inserted by section 144(1) of the Criminal Justice and Immigration Act 2008 (c. 4) from a date to be appointed.

“(1) Tribunal Procedure Rules may make provision for regulating the exercise of the rights of appeal conferred—

- (a) by sections 28(4) and (6) and 48 of this Act, and
- (b) by sections 47(1) and (2) and 60(1) and (4) of the Freedom of Information Act 2000.

(2) In the case of appeals under this Act and the Freedom of Information Act 2000, Tribunal Procedure Rules may make provision—

- (a) for securing the production of material used for the processing of personal data;
- (b) for the inspection, examination, operation and testing of any equipment or material used in connection with the processing of personal data;
- (c) for hearing an appeal in the absence of the appellant or for determining an appeal without a hearing.”; and

(iii) omit sub-paragraph (3).

### **Immigration and Asylum Act 1999**

**32.** The Immigration and Asylum Act 1999(21) is amended as follows.

**33.** In section 82(1) (interpretation of Part 5) omit the definition of “the Tribunal” and the preceding “and”.

**34.** For the italic cross-heading preceding section 87 (the Immigration Services Tribunal) substitute “Appeals to the First-tier Tribunal”.

**35.** In section 87 (the Tribunal)—

- (a) for the heading substitute “Appeals to the First-tier Tribunal”;
- (b) omit subsections (1) and (5);
- (c) in subsection (2) for “Tribunal” substitute “First-tier Tribunal”;
- (d) after subsection (3) insert—

“(3A) A relevant decision of the Commissioner is not to have effect while the period within which an appeal may be brought against the decision is running.

(3B) In the case of an appeal under this section, Tribunal Procedure Rules may include provision permitting the First-tier Tribunal to direct that while the appeal is being dealt with—

- (a) no effect is to be given to the decision appealed against; or
- (b) only such limited effect is to be given to it as may be specified in the direction.

(3C) If provision is made in Tribunal Procedure Rules by virtue of subsection (3B), the rules must also include provision requiring the First-tier Tribunal to consider applications by the Commissioner for the cancellation or variation of directions given by virtue of that subsection.”; and

(e) for subsection (4) substitute—

“(4) For a further function of the First-tier Tribunal under this Part, see paragraph 9(1)(e) of Schedule 5 (disciplinary charges laid by the Commissioner).”.

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(21) 1999 c.33. Section 89(2) was substituted by section 37(3)(a) of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (c. 19). Schedule 7 was amended by paragraph 32 of Schedule 10 to the Tribunals, Courts and Enforcement Act 2007 (c. 15) and by paragraph 285 of Schedule 4 and paragraph 5 of Schedule 11 to the Constitutional Reform Act 2005 (c. 4).

36. In section 88 (appeal upheld by the Tribunal), in the heading and in subsections (1) and (2) for “Tribunal” substitute “First-tier Tribunal”.

37. In section 89 (disciplinary charge upheld by the Tribunal), in the heading and in subsections (1) to (9) in each place for “Tribunal” substitute “First-tier Tribunal”.

38. In section 91(2)(a) (definition of “restraining order”) for “Tribunal” substitute “First-tier Tribunal”.

39. In section 93(1)(b) (information) for “Tribunal” substitute “First-tier Tribunal”.

40. In Part 1 of Schedule 5 (the Immigration Services Commissioner: regulatory functions), in paragraph 9(1)(e), (2)(a) and (3) for “Tribunal” substitute “First-tier Tribunal”.

41. In Schedule 6 (registration), in paragraphs 3(7)(a) and 6(3)(b) for “Tribunal” substitute “First-tier Tribunal”.

42. Omit Schedule 7 (the Immigration Services Tribunal).

### **Financial Services and Markets Act 2000**

43. The Financial Services and Markets Act 2000(22) is amended as follows.

44. Omit section 132 (the Financial Services and Markets Tribunal).

45. For section 133 (proceedings: general provision) substitute—

#### **“Proceedings before Tribunal: general provision**

133.—(1) This section applies in the case of a reference or appeal to the Tribunal (whether made under this or any other Act) in respect of—

- (a) a decision of the Authority;
- (b) a decision of the Bank of England; or
- (c) a decision of a person relating to the assessment of any compensation or consideration under the Banking (Special Provisions) Act 2008(23) or the Banking Act 2009(24).

(2) In this section—

“relevant decision” means a decision mentioned in subsection (1)(a), (b) or (c); and  
“the decision-maker”, in relation to a relevant decision, means the person who made the relevant decision.

(3) Tribunal Procedure Rules may make provision for the suspension of a relevant decision which has taken effect, pending determination of the reference or appeal.

(4) The Tribunal may consider any evidence relating to the subject-matter of the reference or appeal, whether or not it was available to the decision-maker at the material time.

(5) The Tribunal must determine what (if any) is the appropriate action for the decision-maker to take in relation to the matter referred or appealed to it.

(6) On determining the reference or appeal, the Tribunal must remit the matter to the decision-maker with such directions (if any) as the Tribunal considers appropriate for giving effect to its determination.

(22) 2000 c. 8. Schedule 13 was amended by paragraph 286 of Schedule 4 and paragraph 5 of Schedule 11 to the Constitutional Reform Act 2005 (c. 4) and paragraph 34 of Schedule 10 to the Tribunals, Courts and Enforcement Act 2007 (c. 15).

(23) 2008 c. 2.

(24) 2009 c. 1.

(7) The decision-maker must act in accordance with the determination of, and any direction given by, the Tribunal.

(8) An order of the Tribunal may be enforced—

- (a) as if it were an order of a county court; or
- (b) in Scotland, as if it were an order of the Court of Session.

### **Proceedings before Tribunal: decision and supervisory notices, etc.**

**133A.**—(1) In determining a reference made (whether under this or any other Act) as a result of a decision notice given by the Authority, the Tribunal may not direct the Authority to take action which the Authority would not, as a result of section 388(2), have had power to take when giving the notice.

(2) In determining a reference made as a result of a supervisory notice given by the Authority, the Tribunal may not direct the Authority to take action which would have otherwise required the giving of a decision notice.

(3) In subsection (2) “supervisory notice” has the same meaning as in section 395.

(4) The Authority must not take the action specified in a decision notice—

- (a) during the period within which the matter to which the notice relates may be referred to the Tribunal (whether under this or any other Act); and
- (b) if the matter is so referred, until the reference, and any appeal against the Tribunal’s determination, has been finally disposed of.

(5) The Tribunal may, on determining a reference (whether made under this or any other Act) in respect of a decision of the Authority, make recommendations as to the Authority’s regulating provisions or its procedures.

### **Offences**

**133B.**—(1) This section applies in the case of proceedings before the Tribunal in respect of—

- (a) a decision of the Authority;
- (b) a decision of the Bank of England; or
- (c) a decision of a person relating to the assessment of any compensation or consideration under the Banking (Special Provisions) Act 2008<sup>(25)</sup> or the Banking Act 2009<sup>(26)</sup>.

(2) A person is guilty of an offence if that person, without reasonable excuse—

- (a) refuses or fails—
  - (i) to attend following the issue of a summons by the Tribunal; or
  - (ii) to give evidence; or
- (b) alters, suppresses, conceals or destroys, or refuses to produce a document which he may be required to produce for the purposes of proceedings before the Tribunal.

(3) A person guilty of an offence under subsection (2)(a) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(4) A person guilty of an offence under subsection (2)(b) is liable—

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<sup>(25)</sup> 2008 c. 2.

<sup>(26)</sup> 2009 c. 1.



- (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both.”
46. Omit section 137 (appeal on a point of law) and the italic cross-heading immediately before it.
47. In section 390 (final notices)—
- (a) in subsection (1) for “period mentioned in section 133(1)” substitute “time required by Tribunal Procedure Rules”; and
  - (b) in subsection (2) for paragraph (b) substitute—
    - “(b) a court on an appeal against the decision of the Tribunal.”.
48. In section 417 (definitions) in the appropriate place insert—
- ““the Tribunal” means the Upper Tribunal;”.
49. Omit Schedule 13 (the Financial Services and Markets Tribunal).

### **Local Government Act 2000**

50. The Local Government Act 2000(27) is amended as follows.
51. In section 59(4)(d) (functions of ethical standards officers) for the words “president of the Adjudication Panel” to the end substitute “First-tier Tribunal for adjudication.”.
52. In section 63(1)(a) (restrictions on disclosure of information) for “or the president, deputy president or any tribunal of either of the Adjudication Panels” substitute “, the First-tier Tribunal or the president, deputy president or any tribunal of the Adjudication Panel for Wales”.
53. In section 64(3) (reports etc by ethical standards officers)—
- (a) in paragraph (b) for the words from “president of the Adjudication Panel for England” to the end substitute “First-tier Tribunal for adjudication,”; and
  - (b) in paragraph (c) for “president of the Adjudication Panel for England” substitute “First-tier Tribunal”.
54. In section 65 (interim reports)—
- (a) in subsection (4) for the words from “president of the Adjudication Panel for England” to the end substitute “First-tier Tribunal for adjudication.”; and
  - (b) in subsection (5)(c) for “president of the Adjudication Panel for England” substitute “First-tier Tribunal”.
55. In section 66A (references to adjudication panel for action in respect of misconduct)—
- (a) in the heading for “Adjudication Panel” substitute “First-tier Tribunal”;
  - (b) in subsection (1)—
    - (i) in paragraph (a) for “president of the Adjudication Panel for England for a decision by members of that Panel” substitute “First-tier Tribunal for a decision”;
    - (ii) omit paragraph (b);
    - (iii) in paragraph (c)—
      - (aa) for “those members (“the panel)” substitute “the First-tier Tribunal”; and

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(27) 2000 c.22. Section 63(1)(a) was amended by paragraph 6 of Schedule 4 to the Public Services Ombudsman (Wales) Act 2005 (c. 10). Sections 66A, 78(2) and (3), 78A and 78B were inserted by sections 195, 197(1) and (3) and 198 of the Local Government and Public Involvement in Health Act 2007 (c. 28). Section 76 was amended by paragraph 291 of Schedule 4 to the Constitutional Reform Act 2005 (c. 4).

- (bb) for “them” substitute “the tribunal”; and
  - (iv) omit paragraphs (d) and (e); and
  - (c) in subsection (2) for “a tribunal” substitute “the First-tier Tribunal”.
- 56.** For the italic cross-heading before section 75 substitute “The Adjudication Panel for Wales”.
- 57.** In section 75 (Adjudication Panels)—
- (a) for the heading substitute “Adjudication Panel for Wales”; and
  - (b) omit subsections (1), (3), (4), (7), (9) and (11).
- 58.** In section 76 (case tribunals and interim case tribunals)—
- (a) in subsection (1)—
    - (i) for “relevant Adjudication Panel” substitute “Adjudication Panel for Wales”; and
    - (ii) omit “64(3) or”;
  - (b) in subsection (2)—
    - (i) for “relevant Adjudication Panel” substitute “Adjudication Panel for Wales”; and
    - (ii) omit “65(4) or”;
  - (c) in subsection (3) for “relevant Adjudication Panel” substitute “Adjudication Panel for Wales”;
  - (d) in subsection (4)—
    - (i) for “relevant Adjudication Panel” substitute “Adjudication Panel for Wales”; and
    - (ii) omit “64(3) or”;
  - (e) in subsection (5)—
    - (i) for “relevant Adjudication Panel” substitute “Adjudication Panel for Wales”; and
    - (ii) omit “65(4) or”;
  - (f) in subsections (6), (7) and (8) for “relevant Adjudication Panel” substitute “Adjudication Panel for Wales”;
  - (g) in subsection (9)—
    - (i) for “relevant Adjudication Panel” substitute “Adjudication Panel for Wales”; and
    - (ii) omit “the Lord Chief Justice or (as the case may require)”;
  - (h) omit subsection (9A);
  - (i) in subsection (10) omit “59 or”; and
  - (j) omit subsections (11), (12) and (15).
- 59.** In section 77 (adjudications)—
- (a) omit subsections (2) and (3); and
  - (b) in subsection (7) after “(6)(a) or (b)” insert “, or with any corresponding requirement imposed by Tribunal Procedure Rules in relation to proceedings under this Act before the First-tier Tribunal.”.
- 60.** In section 78 (decisions of interim case tribunals)—
- (a) in the heading after “Decisions of” insert “the First-tier Tribunal or”;
  - (b) in subsection (1) for the words from the beginning to “an interim report” substitute “In adjudicating on any of the matters which are the subject of an interim report, the First-tier Tribunal or an interim case tribunal”;

- (c) in subsections (2) and (3) for “the interim case tribunal” insert “the tribunal concerned”;
- (d) in subsection (4) for “an interim case tribunal” substitute “the First-tier Tribunal”;
- (e) in subsection (9) at the beginning insert “The First-tier Tribunal or (as the case may be)”;
- (f) after that subsection insert—

“(9A) Where a person is suspended or partially suspended under this section by a decision of the First-tier Tribunal, the person may appeal to the Upper Tribunal—

- (a) against the suspension or partial suspension; or
- (b) against the length of the suspension or partial suspension,

(unless the decision is set aside under section 9 of the Tribunals, Courts and Enforcement Act 2007).

(9B) An appeal may not be brought under subsection (9A) on a point of law (as to which see instead section 11 of the Tribunals, Courts and Enforcement Act 2007).

(9C) An appeal may be brought under subsection (9A) only if, on an application made by the person concerned, the First-tier Tribunal or Upper Tribunal has given its permission for the appeal to be brought.

(9D) In any case where the Upper Tribunal is determining an appeal under subsection (9A), section 12(2) to (4) of the Tribunals, Courts and Enforcement Act 2007 (proceedings on appeal to the Upper Tribunal) apply.”; and

- (g) in subsection (10) for the words from the beginning to “section” substitute “Where a person is suspended or partially suspended under this section by a decision of an interim case tribunal, the person”.

**61.** In section 78A (decisions of case tribunals: England)—

- (a) in the heading for “case tribunals: England” substitute “First-tier Tribunal”;
- (b) omit subsection (1);
- (c) in subsection (2) for the words from the beginning to “on any matter” substitute “Where the First-tier Tribunal adjudicates on any matter under this Act, it”;
- (d) in subsections (3) and (4) for “an English case tribunal” substitute “the tribunal”; and
- (e) in subsection (7) for “an English case tribunal” substitute “the First-tier Tribunal”.

**62.** In section 78B (English case tribunal decisions: supplementary)—

- (a) in the heading for “English case tribunal decisions:” substitute “Section 78A.”;
- (b) in subsection (3) for “an English case tribunal adjudicates on any matter” substitute “the First-tier Tribunal adjudicates on any matter under this Act”;
- (c) in subsection (4)—
  - (i) for “an English case tribunal” substitute “the First-tier Tribunal”;
  - (ii) for “the High Court” substitute “the Upper Tribunal”; and
  - (iii) at the end insert “(unless the decision is set aside under section 9 of the Tribunals, Courts and Enforcement Act 2007)”;
- (d) for subsection (5) substitute—

“(5) An appeal may not be brought under subsection (4) on a point of law (as to which see instead section 11 of the Tribunals, Courts and Enforcement Act 2007).

(6) An appeal may be brought under subsection (4) only if, on an application made by the person concerned, the First-tier Tribunal or Upper Tribunal has given its permission for the appeal to be brought.

(7) In any case where the Upper Tribunal is determining an appeal under subsection (4), section 12(2) to (4) of the Tribunals, Courts and Enforcement Act 2007 (proceedings on appeal to the Upper Tribunal) apply.”.

**63.** In section 80 (recommendations by case tribunals)—

- (a) in the heading after “Recommendations by” insert “First-tier Tribunal or”;
- (b) in subsection (1) for the words from the beginning to “on any matter” substitute “Where the First-tier Tribunal or a case tribunal has adjudicated on any matter under this Act, it”;
- (c) in subsection (2) for “A case tribunal” insert “The tribunal concerned”.

**64.** In section 83 (interpretation of Part 3) omit the definition of “the relevant Adjudication Panel”.

**65.** In Schedule 4 (the Standards Board for England)—

- (a) in paragraph 2(1)(c) for the words from “president,” to the end substitute “First-tier Tribunal under this Act,”;
- (b) omit paragraph 6(4) and (5); and
- (c) omit paragraph 8.

### **Freedom of Information Act 2000**

**66.** The Freedom of Information Act 2000(28) is amended as follows.

**67.** In the italic cross-heading preceding section 18 (the Information Commissioner and the Information Tribunal) omit “and the Information Tribunal”.

**68.** In section 18 (the Information Commissioner and the Information Tribunal)—

- (a) in the heading omit “and the Information Tribunal”;
- (b) omit subsection (2); and
- (c) omit subsection (3)(b) (and the “and” immediately preceding it).

**69.** Omit section 59 (appeals from decision of tribunal).

**70.** In section 61 (appeal proceedings) for subsections (1) and (2) substitute—

“The provisions of Schedule 6 to the Data Protection Act 1998 have effect (so far as applicable) in relation to appeals under this Part.”.

**71.** In section 84 (interpretation) for the definition of “the Tribunal” substitute—

““the Tribunal”, in relation to any appeal under this Act, means—

- (a) the Upper Tribunal, in any case where it is determined by or under Tribunal Procedure Rules that the Upper Tribunal is to hear the appeal; or
- (b) the First-tier Tribunal, in any other case;”.

**72.** Omit Schedule 4 (appeal proceedings).

### **Commonhold and Leasehold Reform Act 2002**

**73.** In section 175 of the Commonhold and Leasehold Reform Act 2002(29) (appeals) omit subsections (6) and (7).

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(28) 2000 c. 36.

(29) 2002 c.15. Section 175 was amended by paragraph 269 of Schedule 1 to the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307).

## **Pensions Act 2004**

**74.** The Pensions Act 2004(30) is amended as follows.

**75.** In section 96 (standard procedure)—

- (a) in subsection (3) omit “(see section 102)”;
- (b) in subsection (5)(a) omit “(see section 103(1))”; and
- (c) at the end insert—

“(7) In this section “the Tribunal”, in relation to any reference under subsection (3), means—

- (a) the First-tier Tribunal, in any case where it is determined by or under Tribunal Procedure Rules that the First-tier Tribunal is to hear the reference;
- (b) the Upper Tribunal, in any other case.”.

**76.** In section 99 (compulsory review)—

- (a) in subsection (7) omit “(see section 102)”;
- (b) in subsection (8)(a) omit “(see section 103(1))”; and
- (c) at the end insert—

“(13) In this section “the Tribunal”, in relation to any reference under subsection (7), means—

- (a) the First-tier Tribunal, in any case where it is determined by or under Tribunal Procedure Rules that the First-tier Tribunal is to hear the reference;
- (b) the Upper Tribunal, in any other case.”.

**77.** For the cross-heading preceding section 102 (the Pensions Regulator Tribunal) substitute “*References to a tribunal*”.

**78.** Omit section 102 (the Pensions Regulator Tribunal).

**79.** After section 102 insert—

### **“Offences**

**102A.—**(1) This section applies in respect of proceedings before a tribunal in relation to a decision of the Regulator.

(2) A person is guilty of an offence if that person, without reasonable excuse, refuses or fails—

- (a) to attend following the issue of a summons by the tribunal; or
- (b) to give evidence.

(3) A person guilty of an offence under subsection (2) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(4) A person is guilty of an offence if that person, without reasonable excuse—

- (a) alters, suppresses, conceals or destroys a document which that person is or is liable to be required to produce for the purposes of proceedings before the tribunal; or
- (b) refuses to produce a document when so required.

(30) 2004 c. 35. Section 103(1A) was inserted, and sections 102(2) and 103(2) and Schedule 4 were amended, by section 44(5) to (9) of the Pensions Act 2008 (c. 30). Schedule 4 was also amended by paragraph 5 of Schedule 11 to the Constitutional Reform Act 2005 (c. 4), paragraph 40 of Part 1 of Schedule 10 to the Tribunals, Courts and Enforcement Act 2007 (c. 15) and paragraphs 25 to 28 of Schedule 1 to the Lord Chancellor (Transfer of Functions and Supplementary Provisions) (No.2) Order 2006 (S.I. 2006/1016).

- (5) A person guilty of an offence under subsection (4) is liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both.

(6) In this section “document” includes information recorded in any form and, in relation to information recorded otherwise than in a legible form, references to its production include references to producing a copy of the information in a legible form, or in a form from which it can readily be produced in a legible form.”.

- 80.** In section 103 (references to the Tribunal)—
  - (a) in the heading for “to the Tribunal” substitute “in relation to decisions of Regulator”;
  - (b) omit subsections (1) to (2);
  - (c) after subsection (2) insert—
    - “(2A) This section applies to references to a tribunal in relation to a decision of the Regulator.”;
  - (d) in subsection (3) for “the Tribunal” substitute “the tribunal concerned”;
  - (e) in subsections (4) and (5)—
    - (i) for “the Tribunal” (in the first place) substitute “the tribunal concerned”; and
    - (ii) for “the Tribunal” (in the second place) substitute “it”; and
  - (f) in subsections (6)(d) and (7) to (9) for “Tribunal” substitute “tribunal concerned”.
- 81.** Omit section 104 (appeal on a point of law).
- 82.** Omit section 105 (redetermination etc by the Tribunal).
- 83.** In section 106(1) (legal assistance scheme) for “the Tribunal” substitute “a tribunal in relation to a decision of the Regulator”.
- 84.** In section 310(4) (admissibility of statements) after paragraph (n) insert—
  - “(o) Tribunal Procedure Rules so far as applying to decisions of the Regulator;”.
- 85.** In section 318(1) (general interpretation) omit the definition of “the Tribunal”.
- 86.** In paragraph 44(b)(ii) of Schedule 2 (the reserved regulatory functions — functions under this Act) for “the Tribunal” substitute “a tribunal”.
- 87.** In Schedule 3 (restricted information held by the Regulator: certain permitted disclosures to facilitate exercise of functions) after the entry for the Pensions Regulator Tribunal insert—

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“The First-tier Tribunal	Functions relating to decisions of the Regulator
The Upper Tribunal	Functions relating to decisions of the Regulator”.

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- 88.** Omit Schedule 4 (the Pensions Regulator Tribunal).
- 89.** In Schedule 8 (restricted information held by the Board: certain permitted disclosures to facilitate exercise of functions) after the entry for the Pensions Regulator Tribunal insert—

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“The First-tier Tribunal	Functions relating to decisions of the Regulator
The Upper Tribunal	Functions relating to decisions of the Regulator”.

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## **Constitutional Reform Act 2005**

**90.** The Constitutional Reform Act 2005(31) is amended as follows.

**91.** In paragraph 4 of Schedule 7 (protected functions of the Lord Chancellor) omit the entry relating to the National Health Service Act 2006.

**92.** In Part 3 of Schedule 14 (appointments by the Lord Chancellor: offices to which paragraph 2(2)(d) of Schedule 12 applies) omit the entries relating to—

- (a) the President of the Family Health Services Appeal Authority;
- (b) the Deputy President of the Family Health Services Appeal Authority;
- (c) a member of the Family Health Services Appeal Authority;
- (d) the chairman of the Information Tribunal;
- (e) a deputy chairman of the Information Tribunal;
- (f) a member of the Immigration Services Tribunal;
- (g) the President of the Immigration Services Tribunal;
- (h) the President of the Financial Services and Markets Tribunal;
- (i) the Deputy President of the Financial Services and Markets Tribunal;
- (j) any member of panel of chairmen of the Financial Services and Markets Tribunal;
- (k) any member of lay panel of the Financial Services and Markets Tribunal;
- (l) a member of the Adjudication Panel for England;
- (m) the President of the Adjudication Panel for England;
- (n) the Deputy President of the Adjudication Panel for England;
- (o) the President of the Gambling Appeals Tribunal; and
- (p) a member of the Gambling Appeals Tribunal.

## **Gambling Act 2005**

**93.** The Gambling Act 2005(32) is amended as follows.

**94.** For section 140 (the Gambling Appeals Tribunal) substitute—

### **“Definition of “the Tribunal”**

**140.** In this Part “the Tribunal” means the First-tier Tribunal.”.

**95.** Omit section 142 (timing).

**96.** Omit section 143 (appeal from tribunal).

**97.** In section 144(2) (powers of tribunal) for “section 142(2)” substitute “Tribunal Procedure Rules”.

**98.** In section 145(1)(a) (stay pending appeal) for “section 142(2)” substitute “Tribunal Procedure Rules”.

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(31) 2005 c.4. The entry omitted from paragraph 4 of Schedule 7 was inserted by paragraph 273 of Schedule 1 to the National Health Service Act (Consequential Provisions Act) 2006 (c. 43). The entries relating to the Gambling Appeals Tribunal omitted from Schedule 14 were inserted by article 2 of the Judicial Appointments and Discipline (Modification of Offices) (No 2) Order 2006 (S.I. 2006/1551). The entries relating to the Family Health Services Appeal Authority omitted from Schedule 14 were inserted by paragraph 274 of Schedule 1 to the National Health Service Act (Consequential Provisions Act) 2006.

(32) 2005 c.19. Paragraphs 2 and 3 of Schedule 8 were amended by paragraph 43 of Schedule 10 to the Tribunals, Courts and Enforcement Act 2007 (2007 c.15). Paragraphs 3(3A) to (3D) of Schedule 8 were inserted by paragraph 39 of Schedule 1 to the Lord Chancellor (Transfer of Functions and Supplementary Provisions) (No 2) Order 2006 (S.I. 2006/1016).

**99.** In section 146 (rules)—

- (a) for the heading substitute “Tribunal Procedure Rules”;
- (b) for subsection (1) substitute—
  - “(1) Tribunal Procedure Rules may make provision—
    - (a) regulating the exercise of a right of appeal under this Act to the Tribunal;
    - (b) for the suspension by the Tribunal of decisions of the Commission (whether or not they have already taken effect).”;
- (c) omit subsection (2); and
- (d) in subsection (3) for “Rules under this section may, in particular,” substitute “In the case of proceedings before the Tribunal under this Act, Tribunal Procedure Rules may”.

**100.** Omit section 147 (fees).

**101.** In section 148 (legal assistance) omit subsection (2)(c) and (d).

**102.** Omit section 149 (enforcement of costs orders).

**103.** In section 337(1) (section 336: supplementary)—

- (a) for “Gambling Appeals Tribunal” substitute “First-tier Tribunal”; and
- (b) omit paragraphs (a), (b), (f) and (g).

**104.** In Part 1 of Schedule 6 (persons and bodies with functions under this Act) for “The Gambling Appeals Tribunal” substitute “The First-tier Tribunal”.

**105.** Omit Schedule 8 (Gambling Appeals Tribunal).

### **Compensation Act 2006**

**106.** The Compensation Act 2006(**33**) is amended as follows.

**107.** Omit section 12 (the Claims Management Services Tribunal).

**108.** In section 13 (appeals and references to tribunal)—

- (a) in subsection (1) for “Claims Management Services Tribunal” substitute “First-tier Tribunal (“the Tribunal”)”;
- (b) after subsection (3) insert—
  - “(3A) In the case of appeals under subsection (1), Tribunal Procedure Rules—
    - (a) shall include provision for the suspension of decisions of the Regulator while an appeal could be brought or is pending;
    - (b) shall include provision about the making of interim orders;
    - (c) shall enable the Tribunal to suspend or further suspend (wholly or partly) the effect of a decision of the Regulator;
    - (d) shall permit the Regulator to apply for the termination of the suspension of a decision made by the Regulator.”; and
- (c) omit subsection (4).

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(33) 2006 c. 29. Section 13(4) was amended by paragraph 9 of Schedule 19 to the Legal Services Act 2007 (c. 29).



## National Health Service Act 2006

**109.** The National Health Service Act 2006<sup>(34)</sup> is amended as follows.

**110.** In section 119(1) and (2)(a) (exclusion of contractors) for “FHSAA” substitute “First-tier Tribunal”.

**111.** In section 130(2) (regulations under section 129: appeals, etc) for “FHSAA” substitute “First-tier Tribunal”.

**112.** In section 132(5) (persons authorised to provide pharmaceutical services) for “FHSAA” substitute “First-tier Tribunal”.

**113.** In section 148(4) and (5) (conditional inclusion in pharmaceutical lists) for “FHSAA” substitute “First-tier Tribunal”.

**114.** In section 149(8) and (9) (supplementary lists) for “FHSAA” substitute “First-tier Tribunal”.

**115.** In section 154(6)(b) and (c), (7) and (8) (suspension) for “FHSAA”, in each place, substitute “First-tier Tribunal”.

**116.** In section 155(4) and (6) (suspension pending appeal) for “FHSAA” substitute “First-tier Tribunal”.

**117.** In section 157(1) (review of decisions) for “FHSAA” substitute “First-tier Tribunal”.

**118.** In section 158 (appeals)—

(a) in subsection (1)—

(i) for “FHSAA” substitute “First-tier Tribunal”; and

(ii) omit the words from “by giving notice” to the end; and

(b) in subsections (4), (5), (6)(b) and (7) for “FHSAA”, in each place, substitute “First-tier Tribunal”.

**119.** In section 159 (national disqualification)—

(a) in subsections (1) to (4), (6) and (7) for “FHSAA”, in each place, substitute “First-tier Tribunal”; and

(b) in subsection (8)(b) for “FHSAA’s” substitute “First-tier Tribunal’s”.

**120.** For the heading for Part 8 (FAMILY HEALTH SERVICES APPEAL AUTHORITY) substitute “APPEALS TO FIRST-TIER TRIBUNAL”.

**121.** In section 169 (FHSAA)—

(a) for the heading substitute “Appeals to the First-tier Tribunal”;

(b) omit subsections (1) and (2);

(c) in subsection (3) for “FHSAA” substitute “First-tier Tribunal”; and

(d) omit subsections (4) and (5).

**122.** Omit section 170 (FHSAA: financial provisions).

**123.** Omit section 171 (conditions of use of services of persons under section 169).

**124.** In section 181(6) and (8) (section 180: supplementary) for “FHSAA” substitute “First-tier Tribunal”.

**125.** In section 271(3) (territorial extent) for paragraph (c) substitute—

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<sup>(34)</sup> 2006 c.41. Schedule 13 was amended by paragraph 44 of Schedule 10 to the Tribunals, Courts and Enforcement Act 2007 (c. 15).

“(c) section 169(3) (power of the Secretary of State to direct that the First-tier Tribunal exercise functions in relation to appeals),”.

**126.** In section 273(4) (further provision about orders and directions under this Act)—

- (a) in paragraph (b)(ii) after “section” insert “169(3) or”; and
- (b) in paragraph (c)(ii) for “,120 or 169(3)” substitute “or 120”.

**127.** In section 275(1) (interpretation) omit the definition of “the FHSAA”.

**128.** Omit Schedule 13 (the FHSAA).

### **National Health Service (Wales) Act 2006**

**129.** The National Health Service (Wales) Act 2006(35) is amended as follows.

**130.** In section 72(4) (regulations as to general ophthalmic services) for “FHSAA” substitute “First-tier Tribunal”.

**131.** In section 84(2) (regulations under section 83: appeals, etc) for “FHSAA” substitute “First-tier Tribunal”.

**132.** In section 86(5) (persons authorised to provide pharmaceutical services) for “FHSAA” substitute “First-tier Tribunal”.

**133.** In section 104(4) and (5) (conditional inclusion in ophthalmic and pharmaceutical lists) for “FHSAA” substitute “First-tier Tribunal”.

**134.** In section 105(8) and (9) (supplementary lists) for “FHSAA” substitute “First-tier Tribunal”.

**135.** In section 110(6)(b) and (c), (7) and (8) (suspension) for “FHSAA”, in each place, substitute “First-tier Tribunal”.

**136.** In section 111(4) and (6) (suspension pending appeal) for “FHSAA” substitute “First-tier Tribunal”.

**137.** In section 113(1) (review of decisions) for “FHSAA” substitute “First-tier Tribunal”.

**138.** In section 114 (appeals)—

- (a) in subsection (1)—
  - (i) for “FHSAA” substitute “First-tier Tribunal”; and
  - (ii) omit the words from “by giving notice” to the end; and
- (b) in subsections (4), (5), (6)(b) and (7) for “FHSAA”, in each place, substitute “First-tier Tribunal”.

**139.** In section 115 (national disqualification)—

- (a) in subsections (1) to (4), (6) and (7) for “FHSAA”, in each place, substitute “First-tier Tribunal”; and
- (b) in subsection (8)(b) for “FHSAA’s” substitute “First-tier Tribunal’s”.

**140.** In section 206(1) (interpretation) omit the definition of “the FHSAA”.

## Companies Act 2006

141. The Companies Act 2006(36) is amended as follows.

142. In Part A of Part 2 of Schedule 2 (specified descriptions of disclosures for the purposes of section 948 – United Kingdom)—

(a) for paragraph 49 substitute—

“49. A disclosure with a view to the institution of, or otherwise for the purposes of, proceedings before the Upper Tribunal in respect of—

- (a) a decision of the Financial Services Authority;
- (b) a decision of the Bank of England; or
- (c) a decision of a person relating to the assessment of any compensation or consideration under the Banking (Special Provisions) Act 2008(37) or the Banking Act 2009(38).”;

(b) in paragraph 50 for “the Pensions Regulator Tribunal” substitute “a tribunal in relation to a decision of the Pensions Regulator”.

143. In Schedule 11A (specified persons, descriptions, disclosures, etc. for the purposes of section 1224A)—

(a) for paragraph 71 substitute—

“71. A disclosure with a view to the institution of, or otherwise for the purposes of, proceedings before the Upper Tribunal in respect of—

- (a) a decision of the Financial Services Authority;
- (b) a decision of the Bank of England; or
- (c) a decision of a person relating to the assessment of any compensation or consideration under the Banking (Special Provisions) Act 2008(39) or the Banking Act 2009(40).”;

(b) in paragraph 73 for “the Pensions Regulator Tribunal” substitute “a tribunal in relation to a decision of the Pensions Regulator”.

## Banking (Special Provisions) Act 2008

144. In section 9(1) of the Banking (Special Provisions) Act 2008(41) (supplementary provision about compensation schemes etc.)—

(a) in paragraphs (e) and (f) for “Financial Services and Markets Tribunal” substitute “Upper Tribunal”; and

(b) in paragraph (g) for “relevant tribunal” insert “tribunal appointed by the Treasury for the purposes of the order”.

(36) 2006 c. 46. Schedule 2 was substituted by the Companies Act 2006 (Amendment of Schedule 2) (No. 2) Order 2009 (S.I. 2009/1208). Schedule 11A was inserted by regulation 8(2) of, and the Schedule to, the Statutory Auditors and Third Country Auditors Regulations 2007 (S.I. 2007/3494).

(37) 2008 c. 2.

(38) 2009 c. 1.

(39) 2008 c. 2.

(40) 2009 c. 1.

(41) 2008 c. 2.

### **Counter-Terrorism Act 2008**

**145.** In paragraph 28 of Schedule 7 to the Counter-Terrorism Act 2008<sup>(42)</sup> (terrorist financing and money laundering) omit sub-paragraphs (6) to (8).

### **Pensions Act 2008**

**146.** The Pensions Act 2008<sup>(43)</sup> is amended as follows.

**147.** In section 40(5)(g) (fixed penalty notices) for “the Pensions Regulator Tribunal” substitute “a tribunal”.

**148.** In section 41(2)(b) and (6)(f) (escalating penalty notices) for “the Pensions Regulator Tribunal” substitute “a tribunal”.

**149.** In section 44 (references to the Pensions Regulator Tribunal)—

- (a) in the heading for “the Pensions Regulator Tribunal” substitute “First-tier Tribunal or Upper Tribunal”;
- (b) in subsections (1) and (3) for “the Pensions Regulator Tribunal” substitute “the Tribunal”;
- and
- (c) after subsection (4) insert—

“(4A) In this section “the Tribunal”, in relation to a reference under this section, means—

- (a) the Upper Tribunal, in any case where it is determined by or under Tribunal Procedure Rules that the Upper Tribunal is to hear the reference;
- (b) the First-tier Tribunal, in any other case.”.

**150.** In section 53 (review of notices and references to Pensions Regulator Tribunal) in the heading and in subsection (2) for “Pensions Regulator Tribunal” substitute “First-tier Tribunal or Upper Tribunal”.

### **Banking Act 2009**

**151.** In section 202 of the Banking Act 2009<sup>(44)</sup> (appeal)—

- (a) in subsections (1) and (2) for “Financial Services and Markets Tribunal” substitute “Upper Tribunal”;
- and
- (b) for subsection (3) substitute—

“(3) The Bank of England may not impose a sanction while an appeal under this section could be brought or is pending.”.

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<sup>(42)</sup> 2008 c. 28.  
<sup>(43)</sup> 2008 c. 30.  
<sup>(44)</sup> 2009 c. 1.