STATUTORY INSTRUMENTS

2013 No. 1036

TRIBUNALS AND INQUIRIES, ENGLAND AND WALES

The Transfer of Tribunal Functions Order 2013

Made - - - - 29th April 2013 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 Signature

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...

Status: This is the original version (as it was originally made).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

- 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 guit 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...

Status: This is the original version (as it was originally made).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

- 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...

Status: This is the original version (as it was originally made).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

- 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)—...
- 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