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STATUTORY INSTRUMENTS

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**2008 No. 2684**

**TRIBUNALS AND INQUIRIES**

**The First-tier Tribunal and Upper  
Tribunal (Chambers) Order 2008**

<i>Made</i>	- - - -	<i>13th October 2008</i>
<i>Laid before Parliament</i>		<i>15th October 2008</i>
<i>Coming into force</i>	- -	<i>3rd November 2008</i>

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<sup>(1)</sup>.

**Citation and commencement**

1. This Order may be cited as the First-tier Tribunal and Upper Tribunal (Chambers) Order 2008 and shall come into force on 3rd November 2008.

**First-tier Tribunal Chambers**

2. The First-tier Tribunal shall be organised into the following chambers—
- (a) the Social Entitlement Chamber;
  - (b) the War Pensions and Armed Forces Compensation Chamber; and
  - (c) the Health, Education and Social Care Chamber.

**Functions of the Social Entitlement Chamber**

3. To the Social Entitlement Chamber are assigned all functions relating to appeals—
- (a) in asylum support cases;
  - (b) in criminal injuries compensation cases;
  - (c) regarding entitlement to, payments of, or recovery or recoupment of payments of, social security benefits, child support, vaccine damage payment, tax credits and child trust funds;
  - (d) regarding payments in consequence of diffuse mesothelioma;
  - (e) regarding a certificate or waiver decision in relation to NHS charges;

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(1) 2007 c. 15.

- (f) regarding entitlement to be credited with earnings or contributions;
- (g) against a decision as to whether an accident was an industrial accident.

### **Functions of the War Pensions and Armed Forces Compensation Chamber**

4. To the War Pensions and Armed Forces Compensation Chamber are assigned all functions relating to appeals under the War Pensions (Administrative Provisions) Act 1919<sup>(2)</sup> and the Pensions Appeal Tribunals Act 1943<sup>(3)</sup>.

### **Functions of the Health, Education and Social Care Chamber**

5. To the Health Education and Social Care Chamber are assigned all functions relating to—
- (a) an appeal against a decision related to children with special educational needs;
  - (b) a claim of disability discrimination in the education of a child;
  - (c) an application or an appeal against a decision or determination related to work with children or vulnerable adults;
  - (d) an appeal against a decision related to registration in respect of provision of health or social care;
  - (e) an appeal against a decision related to registration in respect of social workers and social care workers;
  - (f) an appeal against a decision related to the provision of childcare;
  - (g) an appeal against a decision related to an independent school or other independent educational institution;
  - (h) applications and references by and in respect of patients under the provisions of the Mental Health Act 1983<sup>(4)</sup> or paragraph 5(2) of the Schedule to the Repatriation of Prisoners Act 1984<sup>(5)</sup>.

### **Upper Tribunal Chamber**

6. The Upper Tribunal shall be organised as the Administrative Appeals Chamber.

### **Functions of the Administrative Appeals Chamber**

7. To the Administrative Appeals Chamber are assigned all functions relating to—
- (a) an appeal—
    - (i) against a decision made by a chamber of the First-tier Tribunal;
    - (ii) under section 5 of the Pensions Appeal Tribunals Act 1943<sup>(6)</sup> (assessment decision) against a decision of the Pensions Appeal Tribunal in Northern Ireland established under paragraph 1(2) of Schedule 1 to the Pensions Appeal Tribunals Act 1943;
    - (iii) against a decision of the Pensions Appeal Tribunal in Scotland established under paragraph 1(2) of Schedule 1 to the Pensions Appeal Tribunals Act 1943;

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(2) 1919 c. 53.

(3) 1943 c. 39.

(4) 1983 c. 20; section 65 was amended by paragraph 107 of Schedule 1 to the Health Authorities Act 1995 (c. 17) and section 38 of the Mental Health Act 2007 (c.12).

(5) 1984 c. 47.

(6) 1943 c. 39; section 5 was amended by section 23 of the Chronically Sick and Disabled Persons Act 1970 (c. 44) and section 16(3) of the Social Security Act 1980 (c. 30).

- (iv) against a decision of the Mental Health Review Tribunal for Wales established under section 65 of the Mental Health Act 1983c;
- (v) against a decision of the Special Educational Needs Tribunal for Wales<sup>(7)</sup>;
- (vi) under section 4 of the Safeguarding Vulnerable Groups Act 2006<sup>(8)</sup> (appeals);
- (b) an application—
  - (i) to grant the relief mentioned in section 15(1) of the Tribunal, Courts and Enforcement Act 2007 (Upper Tribunal’s “judicial review” jurisdiction);
  - (ii) to exercise the powers of review under section 21(2) of that Act (Upper Tribunal’s “judicial review” jurisdiction: Scotland).

By authority of the Lord Chancellor

13th October 2008

*Bridget Prentice*  
Parliamentary Under Secretary of State  
Ministry of Justice

I concur

13th October 2008

*Robert Carnwath*  
Senior President of Tribunals

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<sup>(7)</sup> 1996 c. 56; the Special Educational Needs Tribunal for Wales was originally established under section 336ZA, which was inserted by paragraph 5 of Schedule 18 to the Education Act 2002 (c. 32).

<sup>(8)</sup> 2006 c. 47.

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

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## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order organises the First-tier Tribunal and Upper Tribunal into chambers and makes provision for the allocation of the First-tier Tribunal and Upper Tribunal's various functions between its chambers.