



Tribunals and Inquiries Act 1992

1992 CHAPTER 53

Composition and procedure of tribunals and inquiries

^{F1}5 Recommendations of Council as to appointment of members of tribunals.

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Textual Amendments

F1 S. 5 repealed (19.8.2013) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 3 Pt. 1](#), [Sch. 8 para. 24](#); S.I. 2013/2043, art. 2(a)(c)

6 Appointment of chairmen of certain tribunals.

^{F2}(1) The chairman, or any person appointed to act as chairman, of any of the tribunals to which this subsection applies shall (without prejudice to any statutory provisions as to qualifications) be selected by the appropriate authority from a panel of persons appointed by the Lord Chancellor.

(2) Members of panels constituted under this section shall hold and vacate office under the terms of the instruments under which they are appointed, but may resign office by notice in writing to the Lord Chancellor; and any such member who ceases to hold office shall be eligible for re-appointment.

(3) Subsection (1) applies to any tribunal specified in [^{F3}paragraph 7(b) or 38(a)] of Schedule 1.]

^{F4}(4) In relation to the tribunals specified in paragraph 41(a), (b) and (c) of Schedule 1, this section has effect subject to sections 41 (social security appeal tribunals), 43 (disability appeal tribunals) and 50 (medical appeal tribunals) of the ^{M1}Social Security Administration Act 1992.]

(5) The person or persons constituting any tribunal specified in paragraph 31 of Schedule 1 shall be appointed by the Lord Chancellor, and where such a tribunal consists of

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more than one person the Lord Chancellor shall designate which of them is to be the chairman.

- (6) In this section, “the appropriate authority” means the Minister who apart from this Act would be empowered to appoint or select the chairman, person to act as chairman, members or member of the tribunal in question.
- (7) A panel may be constituted under this section for the purposes either of a single tribunal or of two or more tribunals, whether or not of the same description.
- (8) In relation to any of the tribunals referred to in this section which sits in Scotland, this section shall have effect with the substitution for any reference to the Lord Chancellor of a reference to the Lord President of the Court of Session.
- [^{F5}(8A) In relation to a Reinstatement Committee mentioned in paragraph 38(a) of Schedule 1 which sits in Northern Ireland—
- (a) in subsections (1) and (2) the references to the Lord Chancellor are to be read as references to the Northern Ireland Judicial Appointments Commission, and
- (b) the terms mentioned in subsection (2) are to be determined by the Northern Ireland Judicial Appointments Commission with the agreement of the [^{F6}Department of Justice].]
- (9) ^{F7}

Textual Amendments

- F2** S. 6(1)-(3) repealed (3.11.2008 so far as relating to Sch. 1 para. 7(b) of this Act, otherwise *prosp.*) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148(5), Sch. 8 para. 25, **Sch. 23 Pt. 1**; S.I. 2008/2696, **arts. 2, 5(c)(ii)**
- F3** Words in s. 6(3) substituted (1.6.1999, 18.10.1999, 29.11.1999 for specified purposes otherwise *prosp.*) by 1998 c. 14, ss. 86(1), 87(2), **Sch. 7 para. 118(1)**; S.I. 1999/1510, **art. 2(g)(vi)**; S.I. 1999/2860, art. 2(c), **Sch.**; S.I. 1999/3178, 2(1)(2), Sch.
- F4** S. 6(4) repealed (18.10.1999, 29.11.1999 for specified purposes otherwise *prosp.*) by 1998 c. 14, ss. 86(1)(2), 87(2), Sch. 7 para. 118(2), **Sch. 8**; S.I. 1999/2860, art. 2(c), **Sch.**; S.I. 1999/3178, art. 2(1)(2), **Sch.**
- F5** S. 6(8A) inserted (12.4.2010) by Northern Ireland Act 2009 (c. 3), ss. 2(3), 5(7), **Sch. 4 para. 25** (with Sch. 5 para. 16); S.I. 2010/812, **art. 2**
- F6** Words in s. 6(8A)(b) substituted (12.4.2010) by Department of Justice Act (Northern Ireland) 2010 (c. 3), ss. 1(5), 3(2), **Sch. para. 9**; S.R. 2010/147, **art. 2(2)**
- F7** S. 6(9) repealed (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(1), 146, 148(1), Sch. 4 para. 224, **Sch. 18 Pt. 2**; S.I. 2006/1014, art. 2(a), Sch. 1 paras. 11(u), **30(b)**

Marginal Citations

- M1** 1992 c. 5.

7 Concurrence required for removal of members of certain tribunals.

- (1) Subject to subsection (2), the power of a Minister ^{F8} . . . to terminate a person’s membership of any tribunal specified in Schedule 1, or of a panel constituted for the purposes of any such tribunal, shall be exercisable only with the consent of—
- (a) the Lord Chancellor [^{F9}(unless he is the Minister terminating the person’s membership), the Lord Chief Justice of England and Wales,] the Lord

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- President of the Court of Session and the Lord Chief Justice of Northern Ireland, if the tribunal sits in all parts of the United Kingdom;
- (b) the Lord Chancellor [^{F9}(unless he is the Minister terminating the person's membership), the Lord Chief Justice of England and Wales,] and the Lord President of the Court of Session, if the tribunal sits in all parts of Great Britain;
 - (c) the Lord Chancellor [^{F9}(unless he is the Minister terminating the person's membership), the Lord Chief Justice of England and Wales,] and the Lord Chief Justice of Northern Ireland, if the tribunal sits both in England and Wales and in Northern Ireland;
 - (d) the Lord Chancellor [^{F10}(unless he is the Minister terminating the person's membership) and the Lord Chief Justice of England and Wales], if the tribunal does not sit outside England and Wales;
 - (e) the Lord President of the Court of Session, if the tribunal sits only in Scotland;
 - (f) the Lord Chief Justice of Northern Ireland, if the tribunal sits only in Northern Ireland.
- (2) This section does not apply to any tribunal specified in paragraph 3 ^{F11} . . . , [^{F12}9ZA,] 12, 14 [^{F13}15(f)], 17, 18 ^{F11} . . . , 26, 33(a), [^{F14}33AA]. . . 34, 35 ^{F15} . . . (e) [^{F16}[^{F17}(i), (j), (k) or (l)], 36(a) [^{F18}36A^{F19} . . .], 39(b), 40, [^{F20} 48 or 56(a)] [^{F21} or 57A] of Schedule 1.
- (3) ^{F22}

Textual Amendments

- F8** Words in s. 7(1) repealed (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(1), 146, 148(1), Sch. 4 para. 225(2), **Sch. 18 Pt. 2**; S.I. 2006/1014, art. 2(a), Sch. 1 paras. 11(u), **30(b)**
- F9** Words in s. 7(1)(a)-(c) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(1), 148(1), **Sch. 4 para. 225(3)**; S.I. 2006/1014, art. 2(a), **Sch. 1 para. 11(u)**
- F10** Words in s. 7(1)(d) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(1), 148(1), **Sch. 4 para. 225(4)**; S.I. 2006/1014, art. 2(a), **Sch. 1 para. 11(u)**
- F11** Words in s. 7(2) repealed (1.12.2001) by S.I. 2001/3649, **arts. 1, 334**
- F12** Word in s. 7(2) inserted (23.5.2016) by Scotland Act 2016 (c. 11), **ss. 39(6), 72(7)**
- F13** Word in s. 7(2) inserted (1.10.1998) by 1998 c. 31, s. 25(4), **Sch. 5 para. 10(1)**; S.I. 1998/2212, art. 2(1), **Sch. 1 Pt. 1**
- F14** Word in s. 7(2) inserted (1.4.1999) by 1998 c. 22, s. 1(5), **Sch. 1 Pt. III para. 12(2)(a)**; S.I. 1999/650, **art. 2(a)(b)**
- F15** Words in s. 7(2) repealed (6.4.1997) by 1995 c. 26, ss. 151, 177, Sch. 5 para. 16(2), **Sch. 7 Pt. III**; S.I. 1997/664, art. 2(3), **Sch. Pt. II**
- F16** Words in s. 7(2) inserted (6.4.1997) by 1995 c. 26, s. 122, **Sch. 3 para. 21(a)**; S.I. 1997/664, art. 2(3), **Sch. Pt. II**
- F17** Words in s. 7(2) substituted (10.2.2005) by Pensions Act 2004 (c. 35), ss. 319(1), 322(1), **Sch. 12 para. 8(2)**; S.I. 2005/275, **art. 2(4)**, Sch. Pt. 4
- F18** Word in s. 7(2) inserted (E.W.) (1.4.1999) by 1996 c. 16, s. 103(1), **Sch. 7 para. 45**; S.I. 1999/533, **art. 2(a)**
- F19** Words in s. 7(2) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 178(8), Sch. 4 para. 61, Sch. 17 Pt. 2; S.I. 2006/378, **art. 4(1)**, Sch. para. 13(v) (subject to art. 4(2)-(7))
- F20** Words in s. 7(2) substituted (in force for specified purposes 18.10.1999 otherwise *prosp.*) by virtue of 1998 c. 14, s. 86(1), **Sch. 7 para. 119**; S.I. 1999/2860, art. 2(c), **Sch. 1**
- F21** Words in s. 7(2) substituted (1.8.1996) by 1994 c. 29, s. 44, **Sch. 5**, para. 39(b); S.I. 1996/1646, art. 2, **Sch.**

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F22 S. 7(3) repealed (4.4.2005) by Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19), ss. 26(7), 47, 48(3), Sch. 2 para. 7(2), **Sch. 4**; S.I. 2005/565, **art. 2(d)** (with arts. 3-9)

F23 **8 Procedural rules for tribunals.**

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Textual Amendments
F23 S. 8 repealed (21.7.2008 for specified purposes, 19.8.2013 in so far as not already in force) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, Sch. 8 para. 27, **Sch. 23 Pt. 1**; S.I. 2008/1653, art. 2(a) (with arts. 3, 4); S.I. 2013/2043, art. 2(b)(c)

9 Procedure in connection with statutory inquiries.

- (1) The Lord Chancellor^{F24}... may make rules regulating the procedure to be followed in connection with statutory inquiries held by or on behalf of Ministers; and different provision may be made by any such rules in relation to different classes of such inquiries.
- (2) Any rules made by the Lord Chancellor under this section shall have effect, in relation to any statutory inquiry, subject to the provisions of the enactment under which the inquiry is held, and of any rules or regulations made under that enactment.
- (3) Subject to subsection (2), rules made under this section may regulate procedure in connection with matters preparatory to such statutory inquiries as are mentioned in subsection (1), and in connection with matters subsequent to such inquiries, as well as in connection with the conduct of proceedings at such inquiries.

[^{F25}(3ZA) Rules made by the Lord Chancellor under this section may include provision as to the circumstances in which, in statutory inquiries held in England—

- (a) directions may be given under section 250(4) of the Local Government Act 1972 as applied by a provision of the Town and Country Planning Act 1990 specified in the rules;
- (b) orders for costs may be made under section 250(5) of the Local Government Act 1972 as so applied.]

^{F26}(3A)

- (4) In the application of this section to inquiries held in Scotland—
 - (a) for any reference to the Lord Chancellor there shall be substituted a reference to the Lord Advocate, and
 - ^{F27}(b)

[^{F28}(6) In the application of this section to inquiries held in Northern Ireland, the power to make rules is exercisable by the Department of Justice in Northern Ireland (and not by the Lord Chancellor) so far as the power may be used to make Northern Ireland devolved provision.]

[^{F29}(7) In the application of this section to inquiries held in Wales by or on behalf of the Welsh Ministers, the power in subsection (1) to make rules is exercisable by the Welsh Ministers (and not by the Lord Chancellor).]

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Textual Amendments

- F24** Words in s. 9(1) omitted (19.9.2013) by virtue of [The Public Bodies \(Abolition of Administrative Justice and Tribunals Council\) Order 2013 \(S.I. 2013/2042\)](#), art. 1(2), **Sch. para. 11(a)**
- F25** S. 9(3ZA) inserted (1.10.2013) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), **ss. 2(6)**, 35(1); S.I. 2013/2143, art. 2(b)
- F26** S. 9(3A) omitted (19.9.2013) by virtue of [The Public Bodies \(Abolition of Administrative Justice and Tribunals Council\) Order 2013 \(S.I. 2013/2042\)](#), art. 1(2), **Sch. para. 11(b)**
- F27** S. 9(4)(b) and word omitted (19.9.2013) by virtue of [The Public Bodies \(Abolition of Administrative Justice and Tribunals Council\) Order 2013 \(S.I. 2013/2042\)](#), art. 1(2), **Sch. para. 11(c)**
- F28** S. 9(6) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), arts. 1(2), 15(5), **Sch. 18 para. 48(2)** (with arts. 28-31); S.I. 2010/977, art. 1(2)
- F29** S. 9(7) inserted (24.5.2018) by [The Welsh Ministers \(Transfer of Functions\) Order 2018 \(S.I. 2018/644\)](#), arts. 1(1), **32(2)**

Modifications etc. (not altering text)

- C1** S. 9: transfer of certain functions (1.7.1999) by [S.I. 1999/1750](#), arts. 1, 2, **Sch. 1** (with art. 7); S.I. 1998/3178, **art. 3**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 8(1A) inserted by [2007 c. 15 Sch. 8 para. 26](#) (This amendment not applied to [legislation.gov.uk](#). as the inserting provision was repealed (3.11.2008) without ever being in force by [2007 c. 15. Sch. 23 Pt.1, S.I. 2008/2696, art. 5\(i\)\(vii\)](#))
- s. 9(5) added by [2006 asp 17 s. 52\(2\)](#)
- s. 9(5)(a) words in s. 9(5) renumbered as s. 9(5)(a) by [2011 asp 3 s. 29\(2\)\(a\)](#)
- s. 9(5)(b) and word inserted by [2011 asp 3 s. 29\(2\)\(b\)](#)
- Sch. 1 Pt. 1 Table para. 9B inserted by [2006 c. 14 s. 58\(5\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 58(5) repealed (1.9.2009) without ever being in force by [S.I. 2009/1835, arts. 1, 4\(3\), Sch. 3 \(with Sch. 4\)](#))
- Sch. 1 Pt. 1 Table para. 8 repealed by [2000 c. 14 Sch. 6](#)
- Sch. 1 Pt. 1 Table para. 19 repealed by [2007 c. 15 Sch. 23 Pt. 1](#)
- Sch. 1 Pt. 2 Table para. 54B inserted by [2007 asp 3 Sch. 5 para. 21](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 5 para. 21 repealed (31.1.2011) by [2010 asp 8, sch. 4 Pt. 2; S.S.I. 2011/30, art. 3\(1\), Sch. 1](#))