
EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under the [Tribunals, Courts and Enforcement Act 2007](#) (“the 2007 Act”). Part 1 of the 2007 Act creates a new two tier tribunal structure; the First-tier Tribunal and the Upper Tribunal (“the new tribunals”) are established under section 3 of the 2007 Act. Order making powers are provided under Part 1 of the 2007 Act to enable the functions of existing tribunals to be transferred into the new structure. This Order transfers the functions of the Charity Tribunal to the First-tier Tribunal and the Upper Tribunal, with the question as to which one of them is to exercise the function in a particular case being determined by, or under, Tribunal Procedure Rules.

Transfer of functions of tribunals

Article 2 transfers the functions of the Charity Tribunal to the First-tier Tribunal and Upper Tribunal and abolishes the Charity Tribunal.

Transfer of members of tribunals

Article 3 provides for members of the Charity Tribunal to hold the offices of deputy judge of the Upper Tribunal, transferred-in judge of the First-tier Tribunal, or transferred-in other member of the First-tier Tribunal.

Consequential provisions

Article 4(1) to (3) brings Schedules 1 to 3 into effect. Schedule 1 contains consequential amendments to primary legislation, Schedule 2 contains a consequential amendment to secondary legislation and Schedule 3 contains consequential repeals and revocations of legislation. These amendments, repeals and revocations are made in consequence of the transfer of the functions of the Charity Tribunal to the First-tier Tribunal and the Upper Tribunal.

Transitional and saving provisions

Article 4(4) brings Schedule 4 into effect. Schedule 4 makes transitional and saving provisions for the treatment of cases which would previously have been dealt with by the Charity Tribunal, following the coming into force of this Order.

The Schedule provides for proceedings which have been started in the Charity Tribunal to be transferred to the First-tier Tribunal; new proceedings will be started in the First-tier Tribunal or the Upper Tribunal as determined under Tribunal Procedure Rules. In transferred cases the following provisions apply:

- a hearing which has already been commenced but not completed will need to be completed in the First-tier Tribunal but comprised of the same members;
- directions and orders made prior to this Order coming into force will continue in force as if they were directions or orders of the First-tier Tribunal;
- the First-tier Tribunal will be able to disapply amendments to the rules or apply the Charity Tribunal Rules 2008 as they applied to the Charity Tribunal, to ensure that proceedings are dealt with fairly;

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

- time limits which begin to run before this Order comes into force continue to apply after the Order comes into force; and
- the First-tier Tribunal will only be able to make a costs order if and to the extent that the Charity Tribunal could have made such an order.

Appeals against the decisions of the Charity Tribunal, if the appeal right has not been exercised before this Order comes into force and the time for doing so has not expired, are to be treated as appeals against the decisions of the First-tier Tribunal.

A Regulatory Impact Assessment was prepared for the [Tribunals, Courts and Enforcement Act 2007](#). This can be found at:

<http://www.justice.gov.uk/publications/tribunalscourtsandenforcementact.htm>