

**EXPLANATORY MEMORANDUM TO
THE ADMINISTRATIVE JUSTICE AND TRIBUNALS COUNCIL (LISTED
TRIBUNALS) (AMENDMENT) ORDER 2009**

2009 No. 3040

1. This explanatory memorandum has been prepared by the Ministry of Justice and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The Order amends the list of Tribunals scrutinised by the Administrative Justice and Tribunals Council by adding references to two new Tribunals. These are the Valuation Tribunal for England, which has replaced the local valuation Tribunals, and the newly-established Office of the Health Professions Adjudicator.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 The Order is being made by the Lord Chancellor under the powers in the Tribunals Courts and Enforcement Act 2007 to amend the list of Tribunals which are considered and reported on by the Administrative Justice and Tribunals Council.

5. Territorial Extent and Application

5.1 This instrument applies to the United Kingdom.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

• *What is being done and why*

7.1 The Tribunals, Courts and Enforcement Act 2007 (the 2007 Act) reforms the tribunals system to speed up justice and make the process easier for the public to understand. The 2007 Act established the Administrative Justice and Tribunals Council (the Council), which keeps under review the administrative justice system as a whole with a view to making it accessible, fair and efficient. The Council seeks to ensure that the relationships between the courts, tribunals, ombudsmen and alternative dispute resolution providers satisfactorily reflect the needs of users.

7.2 The Council is required to maintain a list of Tribunals whose functions it scrutinises. The Lord Chancellor can amend the list of Tribunals by Order.

7.3 The Valuation Tribunal for England was fully established on 1 October 2009 as the tribunal for the hearing of appeals in relation to council tax and business rates in England. The Tribunal took over the jurisdiction of the previous 56 separately constituted valuation tribunals in England which were abolished on that date. The Tribunal does not have jurisdiction in Wales.

7.4 The Office of the Health Professions Adjudicator (OHPA) was set up in the wake of the Shipman Report to provide an independent adjudicator to adjudicate on medical fitness to practise cases brought before the General Medical Council. The legislative framework for the OHPA was set out in the Health and Social Care Act 2008. The legislation also provides for the General Optical Council's adjudication function to be transferred to OHPA in due course. The White Paper recommended that the OHPA should be a listed Tribunal and this order provides for this. The OHPA will be established on 25 January 2010.

- **Consolidation**

7.6 None.

8. Consultation outcome

8.1 As this order merely adds the two new Tribunals to those scrutinised by the Administrative Justice and Tribunals Council no public consultation was conducted. .

9. Guidance

9.1 The Ministry of Justice will publish the Order amending the list of Tribunals.

10. Impact

10.1 There will be no impact on business, charities or voluntary bodies or on the public sector as a result of this Order. In view of this an Impact Assessment has not been carried out.

11. Regulating small business

11.1 The Order does not apply to small businesses.

12. Monitoring & review

12.1 The composition of the list of Tribunals will be kept under review and will be updated when necessary as new Tribunals need to be listed.

13. Contact

Philip Dear at the Ministry of Justice Tel: 020 3334 3125 or email: philip.dear@justice.gsi.gov.uk can answer any queries regarding the instrument.