

**EXPLANATORY MEMORANDUM TO**  
**THE FIRST TIER TRIBUNAL AND UPPER TRIBUNAL (CHAMBER)**  
**(AMENDMENT) ORDER 2012**

**2012 No. 1673**

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 First-tier Tribunal and Upper Tribunal (Chambers) Order 2010 in consequence of the expansion of road transport related cases over which the Upper Tribunal has jurisdiction. As well as jurisdiction over appeals from decisions in Great Britain from traffic commissioners, jurisdiction has been conferred on the Upper Tribunal to hear appeals from decisions of the Department of the Environment in Northern Ireland relating to road transport cases.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
  - 3.1 None.
4. **Legislative Context**
  - 4.1 Part 1 of the Tribunals, Courts and Enforcement Act 2007 (“the 2007 Act”) creates a two tier tribunal system into which existing tribunals can be transferred, or new appeal rights directed. Section 3 of the Tribunals, Courts, and Enforcement Act 2007 establishes the First-tier Tribunal and the Upper Tribunal.
  - 4.2 Section 7 of the 2007 Act provides that the Lord Chancellor may, with the concurrence of the Senior President of Tribunals, organise the two Tribunals into Chambers and specify the allocation of functions between their Chambers.
  - 4.3 The Order allocates further functions to the Administrative Appeals Chamber of the Upper Tribunal. It is being made by the Lord Chancellor with the concurrence of the Senior President of Tribunals. The provision for this is in section 7(9) of the 2007 Act.
5. **Territorial Extent and Application**
  - 5.1 This instrument extends to the UK.
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**
  - 7.1 This order amends article 10(a)(viii) of the First-tier Tribunal and Upper Tribunal (Chamber) Order 2010, to reflect legislative changes for new road transport cases over which the Upper Tribunal has jurisdiction.
  - 7.2 The Administrative Appeals Chamber of the Upper Tribunal already deals with appeals against decisions in Great Britain of traffic commissioners under the Goods Vehicle (Licensing of Operators) Act 1995 (“the 1995 Act”).

7.3 Tribunal Procedure (Upper Tribunal) Rules 2008 were amended by the Tribunal Procedure (Amendment No. 2) Rules 2012 (S.I. 2012/1363) to accommodate the handling of cases relating to the licensing of operators of goods vehicles in Northern Ireland under the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010 - an Act of the Northern Ireland Assembly which has conferred rights of appeal to the Upper Tribunal.

## **8. Consultation outcome**

8.1 No public consultation has been undertaken in relation to the allocation of functions to the Administrative Appeals Chamber. The outcome of consultation on the recent amendments to Tribunal Procedure (Upper Tribunal) Rules was referred to in the explanatory memorandum to S.I. 2012/1363.

## **9. Guidance**

9.1 This Order does not attract the need for guidance.

## **10. Impact**

10.1 The impact on business, charities or voluntary bodies is nil.

10.2 The impact on the public sector is nil.

10.3 An Impact Assessment has not been prepared for this instrument. A Regulatory Impact Assessment (RIA) was prepared for the Tribunals, Courts and Enforcement Act 2007. This can be found at:

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

10.4 The RIA confirmed that the legislation would create a new flexible overarching statutory framework for tribunals, bringing tribunals together in one organisation.

## **11. Regulating small business**

11.1 The legislation does not impact on small businesses.

## **12. Monitoring & review**

12.1 The Ministry of Justice will keep the First-tier Tribunal and Upper Tribunal (Chambers) Order 2010 under review.

## **13. Contact**

Vijay Parkash, Tribunals Transfer and New Jurisdictions Team, [Vijay.Parkash@hmcts.gsi.gov.uk](mailto:Vijay.Parkash@hmcts.gsi.gov.uk) telephone: 0208 831 3565, can answer any queries regarding this instrument.