

SCHEDULE 1

Consequential provisions – primary legislation

PART 1

Provisions consequential upon transfer of functions from rent assessment committees for areas in England

Commonhold and Leasehold Reform Act 2002

144. After section 176 (leasehold valuation tribunals) insert—

“CHAPTER 6A

FIRST-TIER TRIBUNAL AND UPPER TRIBUNAL

Transfer from court to First-tier Tribunal

176A.—(1) Where, in any proceedings before a court, there falls for determination a question which the First-tier Tribunal or the Upper Tribunal would have jurisdiction to determine under an enactment specified in subsection (2) on an appeal or application to the tribunal, the court—

- (a) may by order transfer to the First-tier Tribunal so much of the proceedings as relate to the determination of that question;
 - (b) may then dispose of all or any remaining proceedings pending the determination of that question by the First-tier Tribunal or, where determined by or under Tribunal Procedure Rules, the Upper Tribunal, as it thinks fit.
- (2) The enactments specified for the purposes of subsection (1) are—
- (a) this Act,
 - (b) the Leasehold Reform Act 1967,
 - (c) the Landlord and Tenant Act 1985,
 - (d) the Landlord and Tenant Act 1987,
 - (e) the Leasehold Reform, Housing and Urban Development Act 1993, and
 - (f) the Housing Act 1996.

(3) Where the First-tier Tribunal or the Upper Tribunal has determined the question, the court may give effect to the determination in an order of the court.

(4) Rules of court may prescribe the procedure to be followed in a court in connection with or in consequence of a transfer under this section.

Appeals from the First-tier Tribunal

176B.—(1) A person aggrieved by a decision of the First-tier Tribunal under or in connection with an enactment specified in section 176A(2) may appeal to the Upper Tribunal.

(2) An appeal may not be brought under subsection (1) in relation to a decision on a point of law (as to which see instead section 11 of the Tribunals, Courts and Enforcement Act 2007 (right of appeal to Upper Tribunal)).

Status: This is the original version (as it was originally made).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

(3) An appeal may not be brought under subsection (1) if the decision is set aside under section 9 of the Tribunals, Courts and Enforcement Act 2007 (review of decision of First-tier Tribunal).

(4) An appeal may be brought under subsection (1) only if, on an application made by the person concerned, the First-tier Tribunal or Upper Tribunal has given its permission for the appeal to be brought.

(5) In any case where the Upper Tribunal is determining an appeal under subsection (1), section 12(2) to (4) of the Tribunals, Courts and Enforcement Act 2007 (proceedings on appeal to the Upper Tribunal) apply.

Enforcement

176C. Any decision of the First-tier Tribunal or Upper Tribunal under or in connection with an enactment specified in section 176A(2), other than a decision ordering the payment of a sum (as to which see section 27 (enforcement) of the Tribunals, Courts and Enforcement Act 2007), is to be enforceable with the permission of a county court in the same way as orders of such a court.”