

2024 No. 376

TRIBUNALS AND INQUIRIES

**The First-tier Tribunal and Upper Tribunal (Chambers)
(Amendment) Order 2024**

Made - - - - - *13th March 2024*

Laid before Parliament *15th March 2024*

Coming into force in accordance with article 1

The Lord Chancellor, with the concurrence of the Senior President of Tribunals, makes the following Order in exercise of the powers conferred by sections 7(9) and 145(1) of the Tribunals, Courts and Enforcement Act 2007(a).

Citation and commencement

1. This Order may be cited as the First-tier Tribunal and Upper Tribunal (Chambers) (Amendment) Order 2024 and comes into force immediately after the Electronic Communications Code (Jurisdiction) (Amendment) Regulations 2023(b) come into force.

Amendments to the First-tier Tribunal and Upper Tribunal (Chambers) Order 2010

2.—(1) The First-tier Tribunal and Upper Tribunal (Chambers) Order 2010(c) is amended as follows.

(2) In article 5A (functions of the Property Chamber), after paragraph (i) insert—

“(j) proceedings under Schedule 3A to the Communications Act 2003 (the Electronic Communications Code)(d).”.

(3) In article 7 (functions of the Tax Chamber), after paragraph (e) insert—

“(f) the exercise by the Gambling Commission of functions under Part 3 of the Finance Act 2022 (economic crime (anti-money laundering) levy)(e).”.

(a) 2007 c. 15. There are amendments to this Act but none is relevant to this instrument.

(b) S.I. 2023/1220. This instrument amends the Electronic Communications Code (Jurisdictions) Regulations 2017 (S.I. 2017/1284) (as amended by paragraphs 5 to 10 of the Schedule to the Telecommunications Infrastructure (Leasehold Property) Act 2021 (c. 46)) to confer on the First-tier Tribunal a concurrent jurisdiction with the Upper Tribunal in respect to proceedings made under Schedule 3A to the Communications Act 2003 (c. 21). This instrument comes into force on 6th April 2024.

(c) S.I. 2010/2655; relevant amending instruments are S.I. 2013/1187 and 2017/1169.

(d) 2003 c. 21. Schedule 3A was inserted by Schedule 1 to the Digital Economy Act 2017 (c. 30). Paragraph 95 of Schedule 3A provides a power for the Secretary of State to provide for a function conferred on the court by that Schedule to be exercised by the First-tier Tribunal or Upper Tribunal; paragraph 95(1) was amended by paragraph 4(11) of the Schedule to the Telecommunications Infrastructure (Leasehold Property) Act 2021 (c. 7) and section 71 of the Product Security and Telecommunications Infrastructure Act 2022 (c. 46). There are other amendments to Schedule 3A which are not relevant to this instrument.

(e) 2022 c. 3.

- (4) In article 12 (functions of the Lands Chamber)—
- (a) in paragraph (a) omit sub-paragraph (v);
 - (b) in paragraph (cc) at the end insert “and (j)”.

Saving provision

3. Article 2(4)(a) of this Order does not apply to proceedings under Schedule 3A to the Communications Act 2003 that were commenced in the Upper Tribunal before the date on which this Order comes into force.

13th March 2024

Mike Freer
Parliamentary Under Secretary of State
Ministry of Justice

I concur,

5th March 2024

Keith Lindblom
Senior President of Tribunals

EXPLANATORY NOTE

(This note is not part of the Order)

The First-tier Tribunal and Upper Tribunal (Chambers) Order 2010 (S.I. 2010/2655) (“the 2010 Order”) organises the First-tier Tribunal and Upper Tribunal into chambers and makes provision for the allocation of those tribunals’ functions between the chambers.

This Order amends the 2010 Order to reflect the conferral of further jurisdictions on the First-tier Tribunal relating to proceedings under Schedule 3A to the Communications Act 2003 (c. 21) (the Electronic Communications Code) by the Electronic Communications Code (Jurisdiction) (Amendment) Regulations 2023 (S.I. 2023/1220). It also makes consequential amendments and savings provisions in relation to the allocation of those proceedings in the Upper Tribunal.

Additionally this Order makes provision for appeals against the exercise by the Gambling Commission of functions under Part 3 of the Finance Act 2022 (c. 3) to be allocated to the Tax Chamber of the First-tier Tribunal; appeals against the exercise of related functions by His Majesty’s Revenue and Customs are already allocated to that chamber.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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