

Tribunals and Inquiries Act 1992

[Certain of the provisions in the extracts below are to be amended (prosp.) by the Pensions Act 1995 (c. 26), s. 157(12), para. 21 of Sch. 3, and para. 16 of Sch. 5.]

Note: The material reproduced or annotated below is limited to what is relevant to this work:

Ss.1: 4(1), (2); 5(1), (2); 6(1), (2), (3), (4), (6), (7), (8); 7(1), (2); 8(1), (4); 9; 10; 13(1), (2), (4), (5)(a),(5)(b); 14(2); 15; 16(1), (2), (3); 17; 19; Sch. 1 paras. 7, 35(d) and (e), 41(a)–(e) and 43; Sch. 2 paras. 3,4, 5.

CHAPTER 53

ARRANGEMENT OF SECTIONS

The Council on Tribunals and their functions

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Ss 1-5

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An Act to consolidate the Tribunals and Inquiries Act 1971 and certain other enactments relating to tribunals and inquiries

[16th July 1992]

The Council on Tribunals and their functions

The Council on Tribunals.

1.—(1) There shall continue to be a council entitled the Council on Tribunals (in this Act referred to as “the Council”)—

- (a) to keep under review the constitution and working of the tribunals specified in Schedule 1 (being the tribunals constituted under or for the purposes of the statutory provisions specified in that Schedule) and, from time to time, to report on their constitution and working;
- (b) to consider and report on such particular matters as may be referred to the Council under this Act with respect to tribunals other than the ordinary courts of law, whether or not specified in Schedule 1, or any such tribunal; and
- (c) to consider and report on such matters as may be referred to the Council under this Act, or as the Council may determine to be of special importance, with respect to administrative procedures involving, or which may involve, the holding by or on behalf of a Minister of a statutory inquiry, or any such procedure.

(2) Nothing in this section authorises or requires the Council to deal with any matter with respect to which the Parliament of Northern Ireland had power to make laws.

Ss. 2, 3 not reproduced in this work.

Reports of, and references to, Council and Scottish Committee.

4.—(1) Subject to the provisions of this section, any report by, or reference to, the Council shall be made to or, as the case may be, by, the Lord Chancellor and the Lord Advocate.

(2) A reference to the Council of a matter relating only to England and Wales may be made by the Lord Chancellor and a reference to the Council of a matter relating only to Scotland may be made by the Lord Advocate; and the report of the Council on a reference so made shall be made to the Minister making the reference.

Ss.4(3)–(7) not reproduced in this work.

Composition and procedure of tribunals and inquiries

Recommendation of Council as to appointment of members of tribunals.

5.—(1) Subject to section 6 but without prejudice to the generality of section 1(1)(a), the Council may make to the appropriate Minister general recommendations as to the making of appointments to membership of any tribunals~mentioned in Schedule 1 or of panels constituted for the purposes of any such tribunals; and (without prejudice to any statutory provisions having effect with respect to such appointments) the appropriate Minister shall have regard to recommendations under this section.

(2) In this section “the appropriate Minister”, in relation to appointments of any description, means the Minister making the appointments or, if they are not made by a Minister, the Minister in charge of the government department concerned with the tribunals in question.

S.5(3) not reproduced in this work.

6.—(1) The chairman, or any person appointed to act as chairman, of any of the tribunals to which this subsection applies shall (without prejudice to any statutory provisions as to qualifications) be selected by the appropriate authority from a panel of persons appointed by the Lord Chancellor.

Appointment of chairmen of certain tribunals.

(2) Members of panels constituted under this section shall hold and vacate office under the terms of the instruments under which they are appointed, but may resign office by notice in writing to the Lord Chancellor; and any such member who ceases to hold office shall be eligible for re-appointment.

(3) Subsection (1) applies to any tribunal specified in [1 paragraph 7(b) or 38(a)] of Schedule 1.

(4) [...²]

S.6(5) not reproduced in this work.

(6) In this section, “the appropriate authority” means the Minister who apart from this Act would be empowered to appoint or select the chairman, person to act as chairman, members or member of the tribunal in question.

(7) A panel may be constituted under this section for the purposes either of a single tribunal or of two or more tribunals, whether or not of the same description.

(8) In relation to any of the tribunals referred to in this section which sits in Scotland, this section shall have effect with the substitution for any reference to the Lord Chancellor of a reference to the Lord President of the Court of Session.

S.6(9) not reproduced in this work.

7.—(1) Subject to subsection (2), the power of a Minister, [...³] to terminate a person’s membership of any tribunal specified in Schedule 1, or of a panel constituted for the purposes of any such tribunal, shall be exercisable only with the consent of—

Concurrence required for removal of members of certain tribunals.

- (a) the Lord Chancellor [³(unless he is the Minister terminating the person’s membership), the Lord Chief Justice of England and Wales,] the Lord President of the Court of Session and the Lord Chief Justice of Northern Ireland, if the tribunal sits in all parts of the United Kingdom;
- (b) the Lord Chancellor and the Lord President of the Court of Session, if the tribunal sits in all parts of Great Britain;
- (c) the Lord Chancellor and the Lord Chief Justice of Northern Ireland, if the tribunal sits both in England and Wales and in Northern Ireland;
- (d) the Lord Chancellor, if the tribunal does not sit outside England and Wales [³(unless he is the Minister terminating the person’s membership), the Lord Chief Justice of England and Wales];
- (e) the Lord President of the Court of Session, if the tribunal sits only in Scotland;
- (f) the Lord Chief Justice of Northern Ireland, if the tribunal sits only in Northern Ireland.

¹ Words substituted in s. 6(3) (29.11.99) by the S.S. Act 1998 (c. 14) Sch 7, para. 118(1).

² S. 6(4) deleted (29.11.99) by S.S. Act 1998 (c. 14), Sch. 7, para. 118(2) and Sch. 8.

³ Words omitted in s. 7(1) and inserted in s. 7(1)(a) & (d) (3.4.06) by the Constitutional Reform Act 2005 (c. 4), Sch. 4.

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(2) This section does not apply to any tribunal specified in paragraph, 35(d) or (e),, [148 or 56(a)] of Schedule 1.

S. 7(3) not reproduced in this work.

Procedural rules for tribunals.

8.—(1) The power of a Minister, the Lord President of the Court of Session, the Commissioners of Inland Revenue or the Foreign Compensation Commission to make, approve, confirm or concur in procedural rules for any tribunal specified in Schedule 1 shall be exercisable only after consultation with the Council.

S. 8(2), (3), not reproduced in this work.

(4) In this section “procedural rules” includes any statutory provision relating to the procedure of the tribunal in question.

Procedure in connection with statutory inquiries.

9.—(1) The Lord Chancellor, after consultation with the Council, may make rules regulating the procedure to be followed in connection with the statutory enquiries held by or on behalf of Ministers; and different provision may be made by any such rules in relation to different classes of such enquiries.

(2) Any rules made by the Lord Chancellor under this section shall have effect, in relation to any statutory inquiry, subject to the provisions of the enactment under which the inquiry is held, and of any rules or regulations made under that enactment.

(3) Subject to subsection (2), rules made under this section may regulate procedure in connection with matters preparatory to such statutory inquiries as are mentioned in subsection (1), and in connection with matters subsequent to such inquiries, as well as in connection with the conduct of proceedings at such inquiries.

(4) In the application of this section to inquiries held in Scotland—

- (a) for any reference to the Lord Chancellor there shall be substituted a reference to the Lord Advocate, and
- (b) the Council, in exercising their functions under this section in relation to rules to be made by the Lord Advocate, shall consult with the Scottish Committee.

Judicial control of tribunals etc.

Reasons to be given for decisions of tribunals and Ministers.

10.—(1) Subject to the provisions of this section and of section 14, where—

- (a) any tribunal specified in Schedule 1 gives any decision, or
- (b) any Minister notifies any decision taken by him—
 - (i) after the statutory inquiry has been held by him or on his behalf, or
 - (ii) in a case in which a person concerned could (whether by objecting or otherwise) have required a statutory inquiry to be so held,

it shall be the duty of the tribunal or Minister to furnish a statement, either written or oral, of the reasons for the decision if requested, on or before the giving or notification of the decision, to state the reasons.

(2) The statement referred to in subsection (1) may be refused, or the specification of the reasons restricted, on grounds of national security.

(3) A tribunal or Minister may refuse to furnish a statement under subsection (1) to a person not primarily concerned with the decision if of the opinion that to furnish it would be contrary to the interests of any person primarily concerned.

(4) Subsection (1) does not apply to any decision taken by a Minister after the holding by him or on his behalf of an inquiry or hearing which is a statutory inquiry by virtue only of an order made under section 16(2) unless the order

¹ Words substituted in s. 7(2) (18.10.99) by the S.S. Act 1998 (c. 75) Sch. 7, para. 119.

contains a direction that this section is to apply in relation to any inquiry or hearing to which the order applies.

(5) Subsection (1) does not apply—

- (a) to decisions in respect of which any statutory provision has effect, apart from this section, as to the giving of reasons,
- (b) to decision of a Minister in connection with the preparation, making, approval, confirmation, or concurrence in regulations, rules or byelaws. or orders or schemes of a legislative and not executive character, or ,
- (c) to decisions of the Occupational Pensions Board referred to in paragraph 35(d) of Schedule 1.

(6) Any statement of the reasons for a decision referred to in paragraph (a) or (b) of subsection (1), whether given in pursuance of that subsection or of any other statutory provision, shall be taken to form part of the decision and accordingly to be incorporated in the record.

(7) If, after consultation with the Council, it appears to the Lord Chancellor and the Lord Advocate that it is expedient that—

- (a) decisions of any particular tribunal or any description of such decision, or
- (b) any description of decisions of a Minister,

should be excluded from the operation of subsection (1) on the ground that the subject-matter of such decision, or the circumstances in which they are made. make the giving of reasons unnecessary or impracticable, the Lord Chancellor and the Lord Advocate may by order direct that subsection (1) shall not apply to such decisions.

(8) Where an order relating to any decisions has been made under subsection (7), the Lord Chancellor and the Lord Advocate may, by a subsequent order ,made after consultation with the Council, revoke or vary the earlier order so that subsection (1) applies to any of those decisions.

Ss. 11, 12 not reproduced in this work.

Supplementary provisions

13.—(1) The Lord Chancellor and the Lord Advocate may by order amend Part I or Part II of Schedule 1 by adding to that Part any such tribunals, other than any of the ordinary courts of law, as may be provided by the order.

Power to apply Act to additional tribunals and to repeal or amend certain provisions.

(2) The Lord Chancellor and the Lord Advocate may by order make provision, as respects any tribunal for the time being specified in Schedule 1, not being a tribunal mentioned in section 6, for amending that section so as to apply any of the provisions of that section to the tribunal or for providing for the appointment by the Lord Chancellor, the Lord President of the Court of Session or the Lord Chief Justice of Northern Ireland of the chairman of the tribunal and of any person to be appointed to act as chairman.

S.13(3) not reproduced in this work.

(4) Any order under subsection (1), (2) or (3) may make any such adaptations of the provisions of this Act as may be necessary or expedient in consequence of the order.

(5) the Lord Chancellor and the Lord Advocate may by order—

- (a) repeal or amend section 7(3) of this Act or any of paragraphs [¹35(d)], , 43, of Schedule 1;
- (b) [...¹]

S. 13(5)(c)–(6) not reproduced in this work.

¹ Words substituted in s. 13(5)(a) and s. 13(5)(b) deleted (29.11.99) by para. 120(b) of Sch. 7 and Sch. 8 to S.S. Act 1998(c. 14).

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Restricted application of Act in relation to certain tribunals.

14.—(1) *not reproduced in this work.*

(2) In this Act, reference to the working of the Occupations Pensions Board referred to in paragraph 35(d) of Schedule 1 are references to their working so far as relating to matters dealt with by the Board by means of a formal hearing or on review; and references to procedural rules for the Board are references to regulations under [¹paragraph 10(1) of Schedule 1 to the Pension Schemes Act 1993] so far as relating to procedure on any formal hearing by the Board.

1993 c.48.

S. 14(3) not reproduced in this work.

Rules and orders.

15. Any power of the Lord chancellor and the Lord Advocate or either of them to make rules or orders under this Act shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

Interpretation

16.—(1) In this Act, except where the context otherwise requires—
“decision”, procedural rules” and “working”, in relation to a tribunal, shall be construed subject to section 14,
[²“Council” means the Administrative Justice and Tribunals Council,]
[²“enactment” includes an Act of the Scottish Parliament,]
“Minister” includes any Board presided over by a Minister,
[²“Scottish Committee” means the Scottish Committee of the Administrative Justice and Tribunals Council,]
“statutory inquiry” means—

- (a) an inquiry or hearing held or to be held in pursuance of a duty imposed by any statutory provision, or
- (b) an inquiry or hearing, or an inquiry or hearing of a class, designated for the purposes of this section by an order under subsection (2), and

“statutory provision” means a provision contained in, or having effect under, any enactment.

[³“Welsh Committee” means the Welsh Committee of the Administrative Justice and Tribunals Council.]

(2) The Lord Chancellor and the Lord Advocate may by order designate for the purposes of this section any inquiry or hearing held or to be held in pursuance of a power conferred by any statutory provision specified or described in the order, or any class of such inquiries or hearings.

(3) References in this Act to members of tribunals include references to the person constituting a tribunal consisting of one person.

Transitory provisions.

17. The transitory provisions in Schedule 2 to this Act shall have effect.

S. 18 not reproduced in this work.

Short title, commencement and extent.

19.—(1) This Act may be cited as the Tribunals and Inquiries Act 1992.

(2) This Act shall come into force on 1st October 1992.

(3) This Act extends to Northern Ireland.

¹ Words in s. 14(2) substituted (7.2.94) by Pension Schemes Act 1993 (c. 48), Sch. 8, para. 44(a).

² Defns. of “Council” & “Scottish Committee” substituted and defn. of “enactment” inserted (1.11.07) by the Tribunals, Courts and Enforcement Act 2007 (c. 15), Sch. 8, para. 30(a)-(c).

³ Defn. of “Welsh Committee” inserted (1.6.08) by the Tribunals, Courts and Enforcement Act 2007 (c. 15), Sch. 8, para. 30(d).

SCHEDULES

Section 1.

SCHEDULE 1

TRIBUNALS UNDER GENERAL SUPERVISION OF COUNCIL

PART I

TRIBUNALS UNDER DIRECT SUPERVISION OF COUNCIL

<i>Matters with which tribunal concerned</i>	<i>Tribunal and statutory authority</i>
Child support maintenance	7. [1(a) Appeal tribunals constituted under Chapter 1 of Part I of the Social Security 1998 (c. 14)]; (b) a Child Support Commissioner appointed under section 22 of [1the Support Act 1991 (c. 48)] and any presided over by such a Commissioner.
Child tribunal	
Pensions	35. <i>Para. 35(a)–(c) not reproduced in this work.</i> (d) the Occupational Pensions Board [2constituted under section 2 of the Pension Schemes Act 1993]; (e) the Pensions Ombudsman established under [3Part X of the Pension Schemes Act 1993] in respect of his functions under or by virtue of [2section 146(2)] of that Act;
Social Security	41. [1(a) Appeal tribunals constituted under Chapter 1 of Part I of the Social Security Act 1998 (c. 14)]; [...4] [...4] (d) a Commissioner appointed under [1Schedule 4 to the Social Security Act 1998 (c.14)] and any tribunal presided over by a Commissioner so appointed; [...4]
Vaccine damage	43. The tribunals constituted under section 4 of the Vaccine Damage Payments Act 1979 (c. 17).

PART II

TRIBUNALS UNDER SUPERVISION OF SCOTTISH COMMITTEE

(not reproduced in this work)

¹ Words in paras. 7(a) & (b); 41(a) & (d) substituted (29.11.99) by S.S Act 1998 (c. 14) Sch. 7, para. 121.

² Words in para. 35(d) substituted (7.2.94) by Pension Schemes Act 1993 (c. 48), Sch. 8, para. 44(b)(i).

³ Words in para. 35(e) substituted (7.2.94) by Pension Schemes Act 1993 (c. 48), Sch. 8, para. 44(b)(ii).

⁴ Sub-paras. (b), (c) & (e) of para. 41 shall cease to have effect (29.11.99) by S.S Act 1998 (c. 14) Sch. 8.

SCHEDULE 2
TRANSITORY PROVISIONS

Transitory modifications of sections 6 and 7 and Schedule 1

Paras. 1, 2 not reproduced in this work.

3. [...¹]

4. In paragraphs 1, 2 and 3 “the appointed day” means

- (a) in the case mentioned in paragraph [21(a) or 2(a)] such day as may be appointed by the Secretary of State for the purposes of the paragraph concerned by order made by statutory instrument, and
- (b) in the case mentioned in paragraph [21(b) or 2(b)] the day appointed as the day on which the provision mentioned in paragraph [21(a), or 2(a)] (as the case may be) is to come into force.

5. [...³]

Schs. 3 and 4 not reproduced in this work.

¹ Para. 3 repealed (29.11.99) by the S.S. Act 1998 (c. 14), Sch. 8.

² Words inserted into paras. 4(a) & (b) (1.6.99) by the S.S. Act 1998(c. 43) Sch. 7, para. 122(2).

³ Para. 5 repealed (19.11.98) by the Statute Law (repeals) Act 1998, Sch. 1.