



# Tribunals and Inquiries Act 1971 (repealed 1.10.1992)

## 1971 CHAPTER 62

### *The Council on Tribunals and its functions*

#### **1 Council on Tribunals.**

- (1) There shall continue to be a council entitled the Council on Tribunals (being the council constituted by the <sup>M1</sup>Tribunals and Inquiries Act 1958)—
- (a) to keep under review the constitution and working of the tribunals specified in Schedule 1 to this Act (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 to this Act, or any such tribunal;
  - (c) to consider and report on such matters as may be referred as aforesaid, 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 shall authorise or require the Council to deal with any matter with respect to which the Parliament of Northern Ireland has power to make laws.

#### **Modifications etc. (not altering text)**

- C1 S. 1(1)(c) extended (S.) by [Town and Country Planning \(Scotland\) Act 1972 \(c. 52\), s. 7\(6\)](#)
- C2 S. 1(1)(c) extended by [Local Government Act 1985 \(c. 51, SIF 81:1\), s. 4, Sch. 1 para. 9\(7\)](#) (the extension being in force as regards specified areas by virtue of [S.I. 1988/140, 1989/1065, 1089, 1979, 2114, 1990/652, 1183](#) and being otherwise prospective)
- C3 S. 1(1)(c) extended (E.W.) (*prosp.* in part) by [Town and Country Planning Act 1990 \(c. 8, SIF 123:1\), ss. 10, 20\(7\), 24, 28\(1\)\(2\)](#)
- C4 S. 1(1)(c) extended (E.W.) by [Town and Country Planning Act 1990 \(c. 8, SIF 123:1\), ss. 29, 35\(8\), 49](#)

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Tribunals and Inquiries Act 1971 (repealed 1.10.1992), Cross Heading: The Council on Tribunals and its functions. (See end of Document for details)*

**C5** Reference to matters with respect to which the Parliament of Northern Ireland has power to make laws to be construed as a reference to matters with respect to which that Parliament would have had power to make laws if the [Northern Ireland Constitution Act 1973 \(c. 36\)](#) had not been passed: *ibid.*, s. 40(2)

#### Marginal Citations

**M1** [1958 c. 66.](#)

## 2 Composition of the Council and the Scottish Committee.

- (1) Subject to subsection (3) of this section the Council on Tribunals (in this Act referred to as “the Council”) shall consist of not more than fifteen nor less than ten members appointed by the Lord Chancellor and [<sup>F1</sup>the Lord Advocate] and one of the members shall be so appointed to be chairman of the Council.
- (2) There shall be a Scottish Committee of the Council (in this Act referred to as “the Scottish Committee”) which, subject to subsection (3) of this section, shall consist of—
  - (a) either two or three members of the Council designated by [<sup>F1</sup>the Lord Advocate]; and
  - (b) either three or four persons, not being members of the Council, appointed by [<sup>F1</sup>the Lord Advocate];
 and [<sup>F1</sup>the Lord Advocate] shall appoint one of the members of the Scottish Committee (being a member of the Council) to be chairman of the Scottish Committee.
- (3) In addition to the persons appointed or designated as aforesaid, the Parliamentary Commissioner for Administration shall, by virtue of his office, be a member of the Council and of the Scottish Committee.
- (4) In appointing members of the Council regard shall be had to the need for representation of the interests of persons in Wales.

#### Textual Amendments

**F1** Words substituted by [S.I. 1972/2002, art. 3\(3\)\(c\)](#)

## 3 Tenure of office, remuneration and expenses.

- (1) Persons appointed under section 2 of this Act 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 Minister or Ministers by whom they were appointed; and any such person who ceases to hold office shall be eligible for re-appointment.
- (2) There shall be paid to the chairman of the Council and the chairman of the Scottish Committee such salaries, and to the other members of the Council and of the Scottish Committee such fees (if any) as may be determined by the Treasury.
- (3) The salaries and fees payable under subsection (2) of this section, together with such expenses of the Council and of the Scottish Committee (including subsistence allowances for and travelling expenses of their members) as may be approved by the Treasury shall be defrayed out of moneys provided by Parliament.

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

- (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 [F2the 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 [F2the Lord Advocate]; and the report of the Council on a reference so made shall be made to the Minister making the reference.
- (3) The Council shall not make a report on any such tribunal as is specified in Part II of Schedule 1 to this Act, or on any matter referred to the Council by [F2the Lord Advocate], until the Council have referred the matter of the report for consideration, and report to the Council, by the Scottish Committee and have considered the report of that Committee.
- (4) Where, without any reference having been made to them, the Council report on any such matter as is mentioned in section 1(1)(c) of this Act, then—
  - (a) if the matter relates only to England and Wales, subsection (2) of this section shall apply as if the matter had been referred to the Council by the Lord Chancellor;
  - (b) if the matter relates only to Scotland, subsections (2) and (3) of this section shall apply as if the matter had been referred to them by [F2the Lord Advocate].
- (5) The Scottish Committee may of its own motion make a report to the Council with respect to the constitution or working of any such tribunal as is specified in Part II of Schedule 1 to this Act or with respect to any matter falling within section 1(1)(c) of this Act and relating only to Scotland.
- (6) If the Council, in reporting on any matter which they have referred to the Scottish Committee or on which that Committee has reported to the Council of its own motion, do not adopt the report of that Committee without modification, or if the Council do not make a report on matters on which the Scottish Committee has reported to the Council of its own motion, the Scottish Committee may submit its report to [F2the Lord Advocate].
- (7) The Council shall make an annual report to the Lord Chancellor and [F2the Lord Advocate] on their proceedings and those of the Scottish Committee, and the Lord Chancellor and [F2the Lord Advocate] shall lay the annual report before Parliament with such comments (if any) as they think fit.

#### Textual Amendments

F2 Words substituted by S.I. 1972/2002, art. 3(3)(c)

#### 5 Recommendations of Council as to appointment of members of tribunals.

- (1) Without prejudice to the generality of section 1(1)(a) of this Act, the Council may make to the appropriate Minister general recommendations as to the making of appointments to membership of any such tribunals as are specified in Schedule 1 to this Act or of panels constituted for the purposes of any such tribunals; and (without prejudice, however, to any statutory provisions having effect with respect to such appointments) the appropriate Minister shall have regard to recommendations under this section.

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- (2) In this section “the appropriate Minister” means, in relation to appointments of any description, 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.
- (3) The following provisions shall have effect as respects any such tribunal as is specified in Part II of Schedule 1 to this Act—
  - (a) the Council shall not make any such recommendations as aforesaid until they have referred the matter of the recommendations for consideration, and report to the Council, by the Scottish Committee and have considered the report of that Committee;
  - (b) without prejudice to the generality of section 4(5) of this Act, the Scottish Committee may of its own motion propose any such general recommendations as aforesaid as expedient to be made by the Council to the appropriate Minister;
  - (c) if the Council, in making recommendations under this section on any matter which they have referred to the Scottish Committee or on which that Committee has made proposals, do not adopt the report or proposals of that Committee without modification, or if the Council do not make recommendations on matters on which the Scottish Committee has made proposals to the Council, the Scottish Committee may submit its report or proposals to [<sup>F3</sup>the Lord Advocate].

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**Textual Amendments**

**F3** Words substituted by [S.I. 1972/2002, art. 3\(3\)\(c\)](#)

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**Modifications etc. (not altering text)**

**C6** [S. 5](#) extended by [Social Security Act 1973 \(c. 38\), s. 66\(4\)](#)

**C7** [S. 5](#) extended by [Social Security Act 1973 \(c. 38, SIF 113:1\), s. 66\(4\)](#)

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**Textual Amendments**

**F4** [S. 6](#) repealed by [Local Government Act 1972 \(c. 70\), Sch. 30](#)

**Status:**

Point in time view as at 01/02/1991.

**Changes to legislation:**

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