



Tribunals and Inquiries Act 1971

CHAPTER 62

ARRANGEMENT OF SECTIONS

The Council on Tribunals and its functions

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ELIZABETH II



1971 CHAPTER 62

An Act to consolidate the Tribunals and Inquiries Acts
1958 and 1966 as amended. [27th July 1971]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

The Council on Tribunals and its functions

1.—(1) There shall continue to be a council entitled the Council on Tribunals (being the council constituted by the Tribunals and Inquiries Act 1958)—
Council on Tribunals.
1958 c. 66.

- (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.

Composition
of the Council
and the
Scottish
Committee.

2.—(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 the Secretary of State, 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 the Secretary of State; and

(b) either three or four persons, not being members of the Council, appointed by the Secretary of State;

and the Secretary of State 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.

Tenure of
office,
remuneration
and expenses.

3.—(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.

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 Secretary of State.

(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 Secretary of State ; 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 the Secretary of State, 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 the Secretary of State.

(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 the Secretary of State.

(7) The Council shall make an annual report to the Lord Chancellor and the Secretary of State on their proceedings and those of the Scottish Committee, and the Lord Chancellor and the Secretary of State shall lay the annual report before Parliament with such comments (if any) as they think fit.

5.—(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.

Recommendations of Council as to appointment of members of tribunals.

(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 the Secretary of State.

Right of Council member to attend hearings under Part X of Local Government Act 1933.
1933 c. 51.

6. A member of the Council, in his capacity as such, may attend any hearing conducted under section 231(2) of the Local Government Act 1933 (procedure on appeal or application to the Secretary of State in respect of district audit).

Composition and procedure of tribunals and inquiries

Chairmen etc. of certain tribunals: provisions as to appointment.

7.—(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.

(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) of this section applies to any such tribunal as is specified in paragraph 18(b) or (c), 19(a), (b) or (e), 20 or 28(a) of Schedule 1 to this Act, but, in relation to any such tribunal as is specified in paragraph 28(a) of that Schedule, this section shall have effect subject to paragraph 3(3) of Schedule 10 to the Rent Act 1968. 1968 c. 23.

(4) The person or persons constituting any such tribunal as is specified in paragraph 16 of Schedule 1 to this Act shall be appointed by the Lord Chancellor, and where such a tribunal consists of more than one person the Lord Chancellor shall designate which of them is to be the chairman.

(5) 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.

(6) 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.

(7) The following provisions shall have effect for the application of this section to Scotland—

(a) in relation to any of the tribunals referred to in the foregoing provisions of 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;

(b) subsection (1) of this section shall apply, with the substitution aforesaid, to any such tribunal as is specified in paragraph 45(a) of Schedule 1 to this Act.

(8) In relation to any of the tribunals referred to in the foregoing provisions of this section which sits in Northern Ireland, this section shall have effect with the substitution for any reference to the Lord Chancellor of a reference to the Lord Chief Justice of Northern Ireland.

8.—(1) Subject to subsection (2) of this section, no power of a Minister other than the Lord Chancellor to terminate a person's membership of any such tribunal as is specified in Schedule 1 to this Act, or of a panel constituted for the purposes of any such tribunal, shall be exercisable except with the consent of—

Concurrence required for removal of members of certain tribunals.

(a) the Lord Chancellor, 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 ;
- (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.

(2) this section does not apply to any such tribunal as is specified in paragraph 17(a), 22, 25(a), 29(b), 30, 35 or 41(a) of Schedule 1 to this Act.

(3) For the purposes of this section in its application to any such tribunal as is specified in paragraph 8(a) of Schedule 1 to this Act, an adjudicator who has sat only in England or Wales or who has sat only in Scotland or who has sat only in Northern Ireland shall be deemed to constitute a tribunal which does not sit outside England and Wales or which sits only in Scotland or which sits only in Northern Ireland, as the case may be.

Legal qualifications for certain tribunals.
1948 c. 64.

9. A person shall not be qualified to be appointed—

- (a) umpire or deputy umpire under section 41(4) of the National Service Act 1948 ; or
- (b) chairman or deputy chairman of the appellate tribunal constituted under Schedule 4 to that Act,

unless he is a barrister, advocate or solicitor of not less than ten years standing.

Procedural rules for tribunals.

10.—(1) No power of a Minister, the Lord President of the Court of Session or the Commissioners of Inland Revenue to make, approve, confirm or concur in procedural rules for any such tribunal as is specified in Schedule 1 to this Act shall be exercisable except after consultation with the Council.

(2) The Council, in the exercise of their functions under this section as respects any such tribunal as is specified in Part II of Schedule 1 to this Act, shall consult with the Scottish Committee.

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

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

Procedure in connection with statutory inquiries.

(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) of this section, rules made under this section may regulate procedure in connection with matters preparatory to such statutory inquiries as are mentioned in subsection (1) of this section, 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, for any reference to the Lord Chancellor there shall be substituted a reference to the Secretary of State; and the Council, in exercising their functions under this section in relation to rules to be made by the Secretary of State, shall consult with the Scottish Committee.

12.—(1) Subject to the provisions of this section, where—

(a) any such tribunal as is specified in Schedule 1 to this Act gives any decision; or

(b) any Minister notifies any decision taken by him after the holding by him or on his behalf of a statutory inquiry, or taken by him in a case in which a person concerned could (whether by objecting or otherwise) have required the holding as aforesaid of a statutory inquiry,

Reasons to be given for decisions of tribunals and Ministers.

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 said statement may be refused, or the specification of the reasons restricted, on grounds of national security, and the tribunal or Minister may refuse to furnish the statement to a person not primarily concerned with the decision if of opinion that to furnish it would be contrary to the interests of any person primarily concerned.

(3) Subsection (1) of this section shall not apply to any decision taken by a Minister after the holding by him or on his behalf of any inquiry or hearing which is a statutory inquiry by virtue

only of an order made under section 19(2) of this Act unless the order contains a direction that this section is to apply in relation to any inquiry or hearing to which the order applies.

(4) Subsection (1) of this section shall not apply to decisions in respect of which any statutory provision has effect, apart from this section, as to the giving of reasons, or to decisions 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.

(5) Any statement of the reasons for such a decision as is mentioned in paragraph (a) or (b) of subsection (1) of this section, 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.

(6) If, after consultation with the Council, it appears to the Lord Chancellor and the Secretary of State that it is expedient that decisions of any particular tribunal or any description of such decisions, or any description of decisions of a Minister, should be excluded from the operation of subsection (1) of this section on the ground that the subject-matter of such decisions, or the circumstances in which they are made, make the giving of reasons unnecessary or impracticable, the Lord Chancellor and the Secretary of State may by order direct that subsection (1) of this section shall not apply to such decisions.

Judicial control of tribunals etc.

Appeals from
certain
tribunals.

13.—(1) If any party to proceedings before any such tribunal as is specified in paragraph 2(b), 4, 6, 10, 16, 17(b), 18(a), 21, 26, 28(a) or (b) or 32 of Schedule 1 to this Act is dissatisfied in point of law with a decision of the tribunal he may, according as rules of court may provide, either appeal therefrom to the High Court or require the tribunal to state and sign a case for the opinion of the High Court.

1925 c. 49.

(2) Rules of court made with respect to all or any of the said tribunals may provide for authorising or requiring a tribunal, in the course of proceedings before it, to state, in the form of a special case for the decision of the High Court, any question of law arising in the proceedings; and a decision of the High Court on a case stated by virtue of this subsection shall be deemed to be a judgment of the Court within the meaning of section 27 of the Supreme Court of Judicature (Consolidation) Act 1925 (jurisdiction of Court of Appeal to hear and determine appeals from judgments of the High Court).

(3) In relation to proceedings in the High Court or the Court of Appeal brought by virtue of this section the power to make

rules of court shall include power to make rules prescribing the powers of the High Court or the Court of Appeal with respect to—

- (a) the giving of any decision which might have been given by the tribunal;
- (b) the remitting of the matter with the opinion or direction of the court for re-hearing and determination by the tribunal;
- (c) the giving of directions to the tribunal;

and different provisions may be made for different tribunals.

(4) Rules of court relating to such proceedings as aforesaid may provide for excluding so much of section 63(1) of the said Act of 1925 as requires appeals to the High Court to be heard and determined by a Divisional Court; but no appeal to the Court of Appeal shall be brought by virtue of this section except with the leave of the High Court or the Court of Appeal.

(5) Subsection (1) of this section shall apply to a decision of the Secretary of State on an appeal from the traffic commissioners for any area or the traffic commissioner for the metropolitan traffic area as it applies to a decision of any of the tribunals mentioned in that subsection, but with the substitution for the reference to a party to proceedings of a reference to any person who had, or if aggrieved would have had, a right to appeal to the Secretary of State (whether or not he has exercised that right); and accordingly references in subsections (1) and (3) of this section to a tribunal shall be construed, in relation to such an appeal, as references to the Secretary of State.

(6) The following provisions shall have effect for the application of this section to Scotland—

(a) in relation to any proceedings in Scotland of any of the tribunals referred to in the foregoing provisions of this section, or to a decision of the Secretary of State on an appeal from proceedings in Scotland of traffic commissioners, this section shall have effect with the following modifications, that is to say—

(i) for references to the High Court or the Court of Appeal there shall be substituted references to the Court of Session;

(ii) in subsection (2) for the words “in the form of a special case for the decision of the High Court” there shall be substituted the words “a case for the opinion of the Court of Session on” and the words from “and a decision” to the end of the subsection shall be omitted;

(iii) subsection (4) shall be omitted;

(b) this section shall apply, subject to the modifications specified in the foregoing paragraph, to proceedings before any such tribunal as is specified in paragraph 38, 39, 41(b), 42 or 45(a) or (b) of Schedule 1 to this Act as it applies to proceedings before the tribunals referred to in subsection (1) of this section;

(c) an appeal shall lie, with the leave of the Court of Session or the House of Lords, from any decision of the Court of Session under this section, and such leave may be given on such terms as to costs or otherwise as the Court of Session or the House of Lords may determine.

(7) In relation to any proceedings in Northern Ireland of any of the tribunals referred to in subsection (1) of this section, this section shall have effect with the following modifications, that is to say—

1962 c. 30.

(a) in subsection (2), for the words from the beginning to “provide” there shall be substituted the words “Rules may be made under section 7 of the Northern Ireland Act 1962 providing”, and for the words “section 27 of the Supreme Court of Judicature (Consolidation) Act 1925” there shall be substituted the words “section 24 of the Supreme Court of Judicature Act (Ireland) 1877”;

1877 c. 57.

(b) in subsection (3), for the words “the power to make rules of court shall include power to make rules” there shall be substituted the words “rules may be made under section 7 of the Northern Ireland Act 1962”;

(c) in subsection (4), for the words from the beginning to “Divisional Court” there shall be substituted the words “Rules made under section 7 of the Northern Ireland Act 1962, relating to such proceedings as aforesaid, shall provide that the appeal shall be heard, or as the case may be, the decision of the High Court shall be given by, a single judge”.

(8) Her Majesty may by Order in Council direct that all or any of the provisions of this section, so far as it relates to proceedings in the Isle of Man or any of the Channel Islands of the tribunal specified in paragraph 32 of Schedule 1 to this Act, shall extend to the Isle of Man or to any of the Channel Islands subject to such modifications as may be specified in the Order.

(9) In this section “decision” includes any direction or order, and references to the giving of a decision shall be construed accordingly.

(10) In relation to any such tribunals as are specified in paragraph 10 or 38 of Schedule 1 to this Act this section shall have effect subject to any enactment passed in the same Session as this Act with respect to appeals from such tribunals.

14.—(1) As respects England and Wales or Northern Ireland, any provision in an Act passed before 1st August 1958 that any order or determination shall not be called into question in any court, or any provision in such an Act which by similar words excludes any of the powers of the High Court, shall not have effect so as to prevent the removal of the proceedings into the High Court by order of certiorari or to prejudice the powers of the High Court to make orders of mandamus: Extension of supervisory powers of superior courts.

Provided that this subsection, so far as it relates to the High Court in Northern Ireland, shall not affect any provision in its application to a matter with respect to which the Parliament of Northern Ireland has power to make laws.

(2) As respects Scotland, any provision in an Act passed before 1st August 1958 that any order or determination shall not be called into question in any court, or any provision in such an Act which by similar words excludes any jurisdiction which the Court of Session would otherwise have to entertain an application for reduction or suspension of any order or determination, or otherwise to consider the validity of any order or determination, shall not have effect so as to prevent the exercise of any such jurisdiction.

(3) Nothing in this section shall affect section 26 of the British Nationality Act 1948 or apply to any order or determination of a court of law or where an Act makes special provision for application to the High Court or the Court of Session within a time limited by the Act. 1948 c. 56.

Supplementary provisions

15.—(1) The Lord Chancellor and the Secretary of State may by order direct that Part I or Part II of Schedule 1 to this Act shall have effect as if there were specified therein 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 Secretary of State may by order make provision, as respects any such tribunal as is for the time being specified in Schedule 1 to this Act, not being a tribunal mentioned in section 7 of this Act, for applying 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.

(3) The Lord Chancellor and the Secretary of State may by order apply section 13 of this Act to any such tribunal as is for the time being specified in Schedule 1 to this Act.

(4) Any order under the foregoing provisions of this section 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 Secretary of State may by order—

(a) repeal or amend section 8(3) of this Act or any of paragraphs 2, 3, 5, 8, 9, 10, 13, 14, 18(a), 23(a) and (d), 27, 28(b), 29(d), 34, 38, 39, 43(a), 44 and 45(b) of Schedule 1 to this Act ;

(b) repeal the references in section 13 of this Act to any of paragraphs 2(b), 10, 18(a), 28(b), 38 and 45(b) of Schedule 1 to this Act.

(6) Nothing in this section shall authorise the making of an order with respect to a tribunal having jurisdiction only over matters with respect to which the Parliament of Northern Ireland has power to make laws.

Rules and orders.

16.—(1) Any power of the Lord Chancellor and the Secretary of State 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.

(2) Any power of those Ministers to make orders under any section of this Act includes power to vary or revoke any order under that section by a subsequent order but any such subsequent order under section 12(6) of this Act shall be made only after consultation with the Council.

Transitory provisions.
1958 c. 66.
1966 c. 43.

17. Schedule 2 to this Act shall have effect with respect to the matters there dealt with, being matters connected with the coming into force of the Tribunals and Inquiries Act 1958 and the Tribunals and Inquiries Act 1966.

Consequential amendments, repeals and savings.

18.—(1) The enactments specified in Schedule 3 to this Act shall have effect subject to the amendments there specified, being amendments consequential on this Act.

(2) The enactments specified in Part I of Schedule 4 to this Act are hereby repealed to the extent specified in the third column of that Part ; and the orders specified in Part II of that Schedule are hereby revoked.

(3) Any appointment, designation, determination, rule or order made, any approval or consent given and any other thing done under or for the purposes of any provision repealed or revoked by this Act shall, if in force immediately before the commence-

ment of this Act, have effect as if made, given or done under or for the purposes of the corresponding enactment in this Act; and any proceedings or other thing begun under or by virtue of any provision so repealed or revoked may be continued under this Act as if begun thereunder.

(4) So much of any document as refers expressly or by implication to any provision repealed or revoked by this Act shall, if and so far as the nature of the subject-matter of the document permits, be construed as referring to this Act or the corresponding enactment therein as the case may require.

(5) Nothing in this section shall be taken to prejudice the general application of section 38 of the Interpretation Act 1889 1889 c. 63. with regard to the effect of repeals.

19.—(1) In this Act, except where the context otherwise Interpretation. requires—

“ the Council ” means the Council on Tribunals ;

“ Minister ” includes any Board presided over by a Minister ;

“ the Scottish Committee ” means the Scottish Committee of the Council on Tribunals ;

“ 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) of this section ;

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

(2) The Lord Chancellor and the Secretary of State 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.

(4) References in this Act to the working or a decision of, or procedural rules for, any such tribunals as are specified in paragraph 17, 22, 29(a), (b) or (c), 30, 35, 41 or 46, or the Controller of Plant Variety Rights referred to in paragraph 25(a), of Schedule 1 to this Act do not include references to their working, decisions or procedure in the exercise of executive functions.

Short title,
commence-
ment and
extent.

20.—(1) This Act may be cited as the Tribunals and Inquiries Act 1971.

(2) This Act shall come into force at the expiration of the period of one month beginning with the day on which it is passed.

(3) It is hereby declared that this Act extends to Northern Ireland.

SCHEDULES

SCHEDULE 1

TRIBUNALS UNDER GENERAL SUPERVISION OF COUNCIL

PART I

TRIBUNALS UNDER DIRECT SUPERVISION OF COUNCIL

Sections 1, 4, 5,
7, 8, 10, 12, 13,
15 and 19.

<i>Matters with which tribunal concerned</i>	<i>Tribunal and statutory authority</i>
Agriculture	1. (a) The Agricultural Land Tribunals established under section 73 of the Agriculture Act 1947 (c. 48); (b) arbitrators appointed (otherwise than by agreement) under Schedule 6 to the Agricultural Holdings Act 1948 (c. 63).
Aviation	2. (a) The Air Transport Licensing Board established under section 1 of the Civil Aviation (Licensing) Act 1960 (c. 38); (b) persons appointed under an Order in Council made in pursuance of section 8 of the Civil Aviation Act 1949 (c. 67) for the purpose of hearing appeals relating to Air Operators' Certificates.
Betting levy	3. An appeal tribunal for England and Wales established under section 29 of the Betting, Gaming and Lotteries Act 1963 (c. 2).
Children's voluntary homes	4. Appeal tribunals constituted in accordance with section 30 of, and Part I of Schedule 1 to, the Children Act 1948 (c. 43).
Commons	5. The Commons Commissioners and assessors appointed under section 17(2) and (3) of the Commons Registration Act 1965 (c. 64).
Education	6. Independent Schools Tribunals constituted under section 72 of, and Schedule 6 to, the Education Act 1944 (c. 31).
Forestry	7. Committees appointed for the purposes of section 20 or 21 of the Forestry Act 1967 (c. 10), being committees the members of which are appointed by the Minister having functions under those sections as respects England or Wales.

SCH. 1	<i>Matters with which tribunal concerned</i>	<i>Tribunal and statutory authority</i>
	Immigration appeals ...	8. (a) The adjudicators established by section 1 of the Immigration Appeals Act 1969 (c. 21); (b) the Immigration Appeal Tribunal established by section 1 of the Immigration Appeals Act 1969 (c. 21).
	Indemnification of justices and clerks.	9. Any person appointed under section 27(3) of the Administration of Justice Act 1964 (c. 42).
	Industry and employment	10. The industrial tribunals for England and Wales established under section 12 of the Industrial Training Act 1964 (c. 16).
	Iron and steel	11. The Iron and Steel Arbitration Tribunal re-established under section 32 of the Iron and Steel Act 1967 (c. 17).
	Land	12. The Lands Tribunal constituted under section 1(1)(b) of the Lands Tribunal Act 1949 (c. 42).
	London Building Acts ...	13. The tribunal of appeal constituted in accordance with section 109 of the London Building Acts (Amendment) Act 1939 (c. xcvi).
	Mental Health	14. The Mental Health Review Tribunals constituted under section 3 of the Mental Health Act 1959 (c. 72).
	Milk and Dairies	15. Tribunals constituted under regulations made under, or having effect as if made under, Part II of the Food and Drugs Act 1955 (c. 16).
	Mines and Quarries ...	16. Tribunals for the purposes of section 150 of the Mines and Quarries Act 1954 (c. 70).
	National Health Service ...	17. (a) Executive Councils constituted under subsections (1) and (2) of section 31 of the National Health Service Act 1946 (c. 81), and joint committees constituted under subsection (4) of that section; (b) the tribunal constituted under section 42 of the National Health Service Act 1946 (c. 81); (c) service committees of an Executive Council, being committees constituted in accordance with regulations made under the National Health Service Act 1946 (c. 81).

<i>Matters with which tribunal concerned</i>	<i>Tribunal and statutory authority</i>	SCH. 1
National Insurance etc. ...	18. (a) An adjudicator appointed under section 74(3) of the National Insurance Act 1965 (c. 51); (b) local tribunals constituted under section 77 of the National Insurance Act 1965 (c. 51) or constituted under regulations made under section 73(1) of that Act; (c) medical appeal tribunals constituted for the purposes of the National Insurance (Industrial Injuries) Act 1965 (c. 52); (d) any Commissioner appointed under section 9 of the National Insurance Act 1966 (c. 6), and any tribunal presided over by such a Commissioner.	
National Service ...	19. (a) The Military Service (Hardship) Committees constituted under Schedule 3 to the National Service Act 1948 (c. 64); (b) the local tribunals constituted under Schedule 4 to the National Service Act 1948 (c. 64); (c) the appellate tribunal constituted under Schedule 4 to the National Service Act 1948 (c. 64); (d) the referees selected under the proviso to section 23(3) of the National Service Act 1948 (c. 64); (e) the Reinstatement Committees appointed under section 41(1) of the National Service Act 1948 (c. 64); (f) the umpire and any deputy umpire appointed under section 41(4) of the National Service Act 1948 (c. 64).	
Non-contributory benefit etc.	20. The appeal tribunals constituted in accordance with Schedule 3 to the Ministry of Social Security Act 1966 (c. 20).	
Nurses' training institutions	21. Persons nominated under section 21(2) of the Nurses Act 1957 (c. 15).	
Patents, designs and trade marks.	22. The comptroller-general of patents, designs, and trade marks, and any officer authorised to exercise the functions of the comptroller under section 62(3) of the Patents and Designs Act 1907 (c. 29).	

SCH. 1	<i>Matters with which tribunal concerned</i>	<i>Tribunal and statutory authority</i>
Pensions	23. (a) Pensions Appeal Tribunals for England and Wales established under section 8 of the War Pensions (Administrative Provisions) Act 1919 (c. 53); (b) Pensions Appeal Tribunals constituted under the Pensions Appeal Tribunals Act 1943 (c. 39), being tribunals appointed for England and Wales; (c) tribunals appointed under regulations under section 1 of the Police Pensions Act 1948 (c. 24) to hear appeals by such persons as are mentioned in section 1(1) of the Police (Overseas Service) Act 1945 (c. 17); (d) appeal tribunals constituted in accordance with a scheme in force under section 26 of the Fire Services Act 1947 (c. 41).
Performing rights	24. The Performing Right Tribunal established under section 23 of the Copyright Act 1956 (c. 74).
Plant varieties	25. (a) The Controller of Plant Variety Rights and any officer authorised to exercise the functions of the Controller under section 11(5) of the Plant Varieties and Seeds Act 1964 (c. 14); (b) the Plant Variety Rights Tribunal established by section 10 of the Plant Varieties and Seeds Act 1964 (c. 14).
Prevention of fraud (investments).	...	26. The tribunal of inquiry constituted under section 6 of the Prevention of Fraud (Investments) Act 1958 (c. 45).
Rates	27. Local valuation courts constituted in accordance with section 88 of the General Rate Act 1967 (c. 9).
Rents	28. (a) Rent Tribunals constituted in accordance with section 69 of the Rent Act 1968 (c. 23); (b) Rent assessment committees constituted in accordance with Schedule 5 to the Rent Act 1968 (c. 23).
Revenue	29. (a) The Commissioners for the general purposes of the income tax acting under section 2 of the Taxes Management Act 1970 (c. 9) for any division in England and Wales; (b) the Commissioners for the special purposes of the Income Tax Acts appointed under section 4 of the Taxes Management Act 1970 (c. 9);

<i>Matters with which tribunal concerned</i>	<i>Tribunal and statutory authority</i>
Revenue—cont.	(c) the Board of Referees appointed for the purposes of section 26 of the Capital Allowances Act 1968 (c. 3); (d) the tribunal constituted for the purposes of Chapter I of Part XVII of the Income and Corporation Taxes Act 1970 (c. 10).
Road Traffic	30. (a) The traffic commissioners for any area appointed under Part III of the Road Traffic Act 1960 (c. 16) and the traffic commissioner for the metropolitan traffic area; (b) the licensing authority for the purposes of Part V of the Transport Act 1968 (c. 73).
Transport charges and licences.	31. The Transport Tribunal constituted as provided in Schedule 10 to the Transport Act 1962 (c. 46).
Wireless telegraphy	32. The tribunal established under section 9 of the Wireless Telegraphy Act 1949 (c. 54).

SCH. 1

PART II

TRIBUNALS UNDER SUPERVISION OF SCOTTISH COMMITTEE

<i>Matters with which tribunal concerned</i>	<i>Tribunal and statutory authority</i>
Agriculture	33. Arbiters appointed (otherwise than by agreement) under section 77 of, or Schedule 6 to, the Agricultural Holdings (Scotland) Act 1949 (c. 75).
Betting levy	34. An appeal tribunal for Scotland established under section 29 of the Betting, Gaming and Lotteries Act 1963 (c. 2).
Crofters	35. The Crofters Commission constituted under section 1 of the Crofters (Scotland) Act 1955 (c. 21).
Education	36. Independent Schools Tribunals constituted under section 113 of, and Schedule 7 to, the Education (Scotland) Act 1962 (c. 47).
Forestry	37. Committees appointed for the purposes of section 20 or 21 of the Forestry Act 1967 (c. 10), being committees the members of which are appointed by the Minister having functions under those sections as respects Scotland.

SCH. 1	<i>Matters with which tribunal concerned</i>	<i>Tribunal and statutory authority</i>
	Industry and employment	38. The industrial tribunals for Scotland established under section 12 of the Industrial Training Act 1964 (c. 16).
	Land	39. The Lands Tribunal for Scotland constituted under section 1(1)(a) of the Lands Tribunal Act 1949 (c. 42).
	Milk and dairies	40. Tribunals constituted under orders made under, or having effect as if made under, section 11 of the Milk (Special Designations) Act 1949 (c. 34).
	National Health Service ...	41. (a) Executive Councils constituted under subsections (1) and (2) of section 32 of the National Health Service (Scotland) Act 1947 (c. 27), and joint committees constituted under subsection (4) of that section; (b) the tribunal constituted under section 43 of the National Health Service (Scotland) Act 1947 (c. 27); (c) service committees of an Executive Council, being committees constituted in accordance with regulations made under the National Health Service (Scotland) Act 1947 (c. 27).
	Nurses' training institutions	42. Persons nominated under section 24(2) of the Nurses (Scotland) Act 1951 (c. 55).
	Pensions	43. (a) Pensions Appeal Tribunals for Scotland established under section 8 of the War Pensions (Administrative Provisions) Act 1919 (c. 53); (b) Pensions Appeal Tribunals constituted under the Pensions Appeal Tribunals Act 1943 (c. 39), being tribunals appointed for Scotland.
	Rates	44. Valuation appeal committees constituted in accordance with section 5 of the Valuation and Rating (Scotland) Act 1956 (c. 60).
	Rents	45. (a) Rent tribunals constituted in accordance with section 84 of the Rent (Scotland) Act 1971 (c. 28); (b) Rent assessment committees constituted in accordance with Schedule 5 to the Rent (Scotland) Act 1971 (c. 28).

<i>Matters with which tribunal concerned</i>	<i>Tribunal and statutory authority</i>	SCH. 1
Revenue	46. The Commissioners for the general purposes of the income tax acting under section 2 of the Taxes Management Act 1970 (c. 9) for any division in Scotland.	
Social work	47. (a) Any children's hearing constituted and arranged in pursuance of the Social Work (Scotland) Act 1968 (c. 49); (b) any appeal tribunal established under Schedule 5 to the Social Work (Scotland) Act 1968 (c. 49).	

SCHEDULE 2

Section 17.

TRANSITORY PROVISIONS

*Application of section 7 of this Act in relation to
persons appointed before 1st January 1959*

1.—(1) Any person appointed by the appropriate authority before 1st January 1959 to be chairman of any tribunal to which section 7(1) of this Act applies shall from that day and during the continuance of his appointment be deemed to be, and to have been, a member of a panel constituted by the Lord Chancellor for the purposes of that tribunal and to have been selected by the appropriate authority to be chairman of the tribunal.

(2) Any person appointed by the appropriate authority before 1st January 1959 to be a member of a panel from which apart from this Act the chairman of the tribunal would fall to be selected shall from that day and during the continuance of his appointment be deemed to be, and to have been, a member of a panel constituted by the Lord Chancellor for the purposes of that tribunal.

(3) Any power to terminate any such appointment as is mentioned in the foregoing provisions of this paragraph shall be exercisable by, and only by, the Lord Chancellor.

(4) Subsections (5), (7) and (8) of section 7 of this Act shall have effect in relation to this paragraph as they have effect in relation to that section.

*Rules made under section 7A of Tribunals and
Inquiries Act 1958 before 13th December 1966*

2. Any rules in force in Scotland by virtue of section 7A of the Tribunals and Inquiries Act 1958 immediately before 13th December 1958 c. 66, 1966 shall, if in force at the commencement of this Act, continue in force as if made under section 11 of this Act.

Section 18(1).

SCHEDULE 3

CONSEQUENTIAL AMENDMENTS
THE LANDS TRIBUNAL ACT 1949
(12 & 13 Geo. 6. c. 42)

1970 c. 35. For section 3(12)(a) of the Lands Tribunal Act 1949 (substituted by section 50 of the Conveyancing and Feudal Reform (Scotland) Act 1970) there shall be substituted—

“(a) Subsection (4) of this section shall not apply;”.

THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1959
(7 & 8 Eliz. 2. c. 70)

In section 32(1) of the Town and Country Planning (Scotland) Act 1959 for the words “Subsections (1) and (6) of section nine of the Tribunals and Inquiries Act 1958” there shall be substituted the words “Subsections (1) and (6) of section 13 of the Tribunals and Inquiries Act 1971”; and in section 32(4) of the said Act of 1959 for the words “Subsection (3) of section nine of the said Act of 1958” there shall be substituted the words “Subsection (3) of section 13 of the said Act of 1971”.

THE LAND COMPENSATION ACT 1961
(9 & 10 Eliz. 2. c. 33)

In section 21(1) of the Land Compensation Act 1961 for the words “the Tribunals and Inquiries Act 1958” there shall be substituted the words “the Tribunals and Inquiries Act 1971 (or any enactment replaced thereby)”.

THE TOWN AND COUNTRY PLANNING ACT 1962
(10 & 11 Eliz. 2. c. 38)

In section 179(7) of the Town and Country Planning Act 1962 for the words “the Tribunals and Inquiries Act 1958” there shall be substituted the words “the Tribunals and Inquiries Act 1971 (or any enactment replaced thereby)” and after the words “that Act” there shall be inserted the words “(or any such enactment)”.

THE PLANT VARIETIES AND SEEDS ACT 1964
(1964 c. 14)

In section 10(2) of the Plant Varieties and Seeds Act 1964 for the words “section 9 of the Tribunals and Inquiries Act 1958” there shall be substituted the words “section 13 of the Tribunals and Inquiries Act 1971”.

THE NATIONAL INSURANCE ACT 1965
(1965 c. 51)

In section 82 of the National Insurance Act 1965 for the words “the Tribunals and Inquiries Act 1958” there shall be substituted the words “the Tribunals and Inquiries Act 1971”.

THE NATIONAL INSURANCE (INDUSTRIAL INJURIES) ACT 1965
(1965 c. 52)

In section 55 of the National Insurance (Industrial Injuries) Act 1965 for the words “the Tribunals and Inquiries Act 1958” there shall be substituted the words “the Tribunals and Inquiries Act 1971”.

THE RENT ACT 1968
(1968 c. 23)

In paragraph 3(3) of Schedule 10 to the Rent Act 1968 for the words “section 3 of the Tribunals and Inquiries Act 1958” there shall be

substituted the words “ section 7 of the Tribunals and Inquiries Act 1971 ”. SCH. 3

THE TOWN AND COUNTRY PLANNING ACT 1968
(1968 c. 72)

In sections 8(1)(b), 26(1) and 63(5) of the Town and Country Planning Act 1968 for the words “ the Tribunals and Inquiries Act 1958 ” there shall be substituted the words “ the Tribunals and Inquiries Act 1971 ”.

THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1969
(1969 c. 30)

In sections 8(1)(b), 27(1) and 63(5) of the Town and Country Planning (Scotland) Act 1969 and in paragraph 14 of Schedule 6 to that Act for the words “ the Tribunals and Inquiries Act 1958 ” there shall be substituted the words “ the Tribunals and Inquiries Act 1971 ”.

THE TRANSPORT (LONDON) ACT 1969
(1969 c. 35)

In paragraph 18(2) of Schedule 5 to the Transport (London) Act 1969 for the words “ Subsection (1) of section 9 of the Tribunals and Inquiries Act 1958 ” there shall be substituted the words “ Subsection (1) of section 13 of the Tribunals and Inquiries Act 1971 ”.

THE ROADS (SCOTLAND) ACT 1970
(1970 c. 20)

In section 43 of the Roads (Scotland) Act 1970 for the words “ the Tribunals and Inquiries Act 1958 ” there shall be substituted the words “ the Tribunals and Inquiries Act 1971 ”.

SCHEDULE 4

Section 18(2).

REPEALS AND REVOCATIONS
PART I
ENACTMENTS REPEALED

Chapter	Short Title	Extent of Repeal
6 & 7 Eliz. 2. c. 66.	The Tribunals and Inquiries Act 1958.	The whole Act except sections 1(8) and 17.
7 & 8 Eliz. 2. c. 53.	The Town and Country Planning Act 1959.	Section 33.
7 & 8 Eliz. 2. c. 70.	The Town and Country Planning (Scotland) Act 1959.	Section 33.
10 & 11 Eliz. 2. c. 30.	The Northern Ireland Act 1962.	In Part I of Schedule 1 the entry relating to the Tribunals and Inquiries Act 1958.
10 & 11 Eliz. 2. c. 46.	The Transport Act 1962.	Section 88.
1964 c. 14.	The Plant Varieties and Seeds Act 1964.	Section 12.
1966 c. 6.	The National Insurance Act 1966.	Section 13(3).
1966 c. 20.	The Ministry of Social Security Act 1966.	In Schedule 6 paragraph 16.

SCH. 4

Chapter	Short Title	Extent of Repeal
1966 c. 43.	The Tribunals and Inquiries Act 1966.	The whole Act.
1967 c. 13.	The Parliamentary Commissioner Act 1967.	Section 1(5).
1967 c. 17.	The Iron and Steel Act 1967.	Section 32(3).
1968 c. 23.	The Rent Act 1968.	In Schedule 15 the entry relating to the Tribunals and Inquiries Act 1958.
1968 c. 49.	The Social Work (Scotland) Act 1968.	Section 89.
1968 c. 73.	The Transport Act 1968.	In Part I of Schedule 10 the entry relating to the Tribunals and Inquiries Act 1958.
1971 c. 28.	The Rent (Scotland) Act 1971.	In Part II of Schedule 18 the entry relating to the Tribunals and Inquiries Act 1958.

PART II
ORDERS REVOKED

Number	Title
1959/1267.	The Tribunals and Inquiries (National Insurance Adjudicator) Order 1959.
1960/810.	The Tribunals and Inquiries (Mental Health Review Tribunals) Order 1960.
1960/1335.	The Tribunals and Inquiries (Air Transport Licensing Board) Order 1960.
1960/1668.	The Tribunals and Inquiries (Finance Act Tribunal) Order 1960.
1962/1697.	The Tribunals and Inquiries (Betting Levy Appeal Tribunals) Order 1962.
1964/445.	The Tribunals and Inquiries (Compensation Appeal Tribunals) Order 1964.
1964/1726.	The Tribunals and Inquiries (Indemnification of Justices and Clerks) Order 1964.
1965/276.	The Tribunals and Inquiries (Miscellaneous Tribunals) Order 1965.
1965/1403.	The Tribunals and Inquiries (Industrial Tribunals) Order 1965.
1965/2151.	The Tribunals and Inquiries (Rent Assessment Committees) Order 1965.
1965/2190.	The Tribunals and Inquiries (Local Valuation Courts and Valuation Appeal Committees) Order 1965.
1970/1219.	The Tribunals and Inquiries (Immigration Appeals) Order 1970.
1970/1458.	The Tribunals and Inquiries (Lands Tribunal for Scotland) Order 1970.
1970/1774.	The Tribunals and Inquiries (Commons Commissioners) Order 1970.
1971/831.	The Tribunals and Inquiries (Firemen's Pension Scheme Appeal Tribunals and Air Operators' Certificates) Order 1971.

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