

## SCHEDULES

### SCHEDULE 7

#### ADMINISTRATIVE JUSTICE AND TRIBUNALS COUNCIL

#### PART 4

#### INTERPRETATION

##### *Meaning of “listed tribunal”*

- 25 (1) The following are listed tribunals for the purposes of this Schedule—
- (a) the First-tier Tribunal, and
  - (b) the Upper Tribunal.
- (2) In addition, an authority may by order provide for a tribunal to be a listed tribunal for the purposes of this Schedule if, or to the extent that, the tribunal is one for which the authority is responsible.
- (3) For the purposes of sub-paragraph (2)—
- (a) each of the following is an authority—
    - (i) the Lord Chancellor,
    - (ii) the Scottish Ministers, and
    - (iii) the Welsh Ministers, and
  - (b) the Lord Chancellor is the authority responsible for a tribunal unless, or except to the extent that, paragraph 26 or 27 provides for the Scottish Ministers or the Welsh Ministers to be the authority responsible for the tribunal.
- (4) An order under sub-paragraph (2) may include—
- (a) provision for a tribunal to be a listed tribunal only for the purposes of provisions of this Schedule specified in the order;
  - (b) provision for a tribunal to be a listed tribunal for the purposes of this Schedule, or for the purposes of provisions of this Schedule specified in the order, only in so far as it exercises functions so specified.
- (5) The power under sub-paragraph (2) may not be exercised so as to cause a tribunal to be a listed tribunal for any purpose of this Schedule so far as it exercises functions with respect to relevant Northern Ireland matters; and for this purpose a matter is a “relevant Northern Ireland matter” if legislation providing for the matter would be within the legislative competence of the Northern Ireland Assembly.
- (6) The power under sub-paragraph (2) may not be exercised so as to cause a tribunal to be a listed tribunal for any purpose of this Schedule if the tribunal is established otherwise than by or under a statutory provision.

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*Status: This is the original version (as it was originally enacted).*

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(7) Sub-paragraph (4) is not to be taken to prejudice the generality of section 49(3).

*Responsible authorities for purposes of paragraph 25: Scotland*

- 26 (1) This paragraph applies for the purposes of paragraph 25.
- (2) The Scottish Ministers are the authority responsible for a tribunal if—
- (a) all of the tribunal's functions are exercisable only in relation to Scotland, and
  - (b) at least one of the powers referred to in sub-paragraph (3) is exercisable as mentioned in sub-paragraph (6).
- (3) Those powers are—
- (a) power to appoint the members of the tribunal;
  - (b) power to make procedural rules for the tribunal.
- (4) In the case of a tribunal that exercises functions in relation to Scotland and also exercises those or other functions in relation to somewhere other than Scotland, the Scottish Ministers are the authority responsible for the tribunal to the extent that it exercises functions in relation to Scotland if at least one of the powers referred to in sub-paragraph (5) is exercisable as mentioned in sub-paragraph (6).
- (5) Those powers are—
- (a) power to appoint the members of tribunal who exercise the tribunal's functions in relation to Scotland;
  - (b) power to make procedural rules for the exercise of the tribunal's functions in relation to Scotland.
- (6) Power is exercisable as mentioned in this sub-paragraph if it is exercisable—
- (a) by the Scottish Ministers, or
  - (b) by the Lord President of the Court of Session,
- and is not exercisable by them or him jointly or concurrently with a Minister of the Crown.

*Responsible authorities for purposes of paragraph 25: Wales*

- 27 (1) This paragraph applies for the purposes of paragraph 25.
- (2) The Welsh Ministers are the authority responsible for a tribunal if—
- (a) all of the tribunal's functions are exercisable only in relation to Wales, and
  - (b) at least one of the powers referred to in sub-paragraph (3) is exercisable as mentioned in sub-paragraph (6).
- (3) Those powers are—
- (a) power to appoint the members of the tribunal;
  - (b) power to make procedural rules for the tribunal.
- (4) In the case of a tribunal that exercises functions in relation to Wales and also exercises those or other functions in relation to somewhere other than Wales, the Welsh Ministers are the authority responsible for the tribunal to the extent that it exercises functions in relation to Wales if at least one of the powers referred to in sub-paragraph (5) is exercisable as mentioned in sub-paragraph (6).
- (5) Those powers are—

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*Status: This is the original version (as it was originally enacted).*

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- (a) power to appoint the members of the tribunal who exercise the tribunal’s functions in relation to Wales;
  - (b) power to make procedural rules for the exercise of the tribunal’s functions in relation to Wales.
- (6) Power is exercisable as mentioned in this sub-paragraph if it is exercisable by the Welsh Ministers and is not exercisable by the Welsh Ministers jointly or concurrently with a Minister of the Crown.

#### *Other definitions*

- 28 (1) In this Schedule—
- “enactment” includes an Act of the Scottish Parliament;
  - “the Council” means the Administrative Justice and Tribunals Council;
  - “Minister of the Crown” has the meaning given in the Ministers of the Crown Act 1975 (c. 26);
  - “procedural rules”, in relation to a tribunal, includes any statutory provision relating to the practice or procedure of the tribunal;
  - “the Scottish Committee” means the Scottish Committee of the Council;
  - “statutory inquiry” means a 1992 Act inquiry held, or to be held, by or on behalf of—
    - (a) a Minister of the Crown,
    - (b) the Scottish Ministers, or
    - (c) the Welsh Ministers;
  - “statutory provision” means a provision contained in, or having effect under, any enactment;
  - “tribunal” does not include an ordinary court of law;
  - “the Welsh Committee” means the Welsh Committee of the Council;
- (2) References in this Schedule to members of tribunals include references to the person constituting a tribunal consisting of one person.
- (3) In sub-paragraph (1) “1992 Act inquiry” means—
- (a) an inquiry or hearing within paragraph (a) of the definition of “statutory inquiry” in section 16(1) of the Tribunals and Inquiries Act 1992 (c. 53), or
  - (b) an inquiry or hearing that is a statutory inquiry for the purposes of that Act by virtue of an order under section 16(2) of that Act (including such an order made after the coming into force of this Schedule).