



Tribunals, Courts and Enforcement Act 2007

2007 CHAPTER 15

PART 1

TRIBUNALS AND INQUIRIES

CHAPTER 3

TRANSFER OF TRIBUNAL FUNCTIONS

30 Transfer of functions of certain tribunals

- (1) The Lord Chancellor may by order provide for a function of a scheduled tribunal to be transferred—
- (a) to the First-tier Tribunal,
 - (b) to the Upper Tribunal,
 - (c) to the First-tier Tribunal and the Upper Tribunal with the question as to which of them is to exercise the function in a particular case being determined by a person under provisions of the order,
 - (d) to the First-tier Tribunal to the extent specified in the order and to the Upper Tribunal to the extent so specified,
 - (e) to the First-tier Tribunal and the Upper Tribunal with the question as to which of them is to exercise the function in a particular case being determined by, or under, Tribunal Procedure Rules,
 - (f) to an employment tribunal,
 - (g) to the Employment Appeal Tribunal,
 - (h) to an employment tribunal and the Employment Appeal Tribunal with the question as to which of them is to exercise the function in a particular case being determined by a person under provisions of the order, or

Status: This is the original version (as it was originally enacted).

- (i) to an employment tribunal to the extent specified in the order and to the Employment Appeal Tribunal to the extent so specified.
- (2) In subsection (1) “scheduled tribunal” means a tribunal in a list in Schedule 6 that has effect for the purposes of this section.
- (3) The Lord Chancellor may, as respects a function transferred under subsection (1) or this subsection, by order provide for the function to be further transferred as mentioned in any of paragraphs (a) to (i) of subsection (1).
- (4) An order under subsection (1) or (3) may include provision for the purposes of or in consequence of, or for giving full effect to, a transfer under that subsection.
- (5) A function of a tribunal may not be transferred under subsection (1) or (3) if, or to the extent that, the provision conferring the function—
 - (a) would be within the legislative competence of the Scottish Parliament if it were included in an Act of that Parliament, or
 - (b) would be within the legislative competence of the Northern Ireland Assembly if it were included in an Act of that Assembly.
- (6) Subsection (5) does not apply to—
 - (a) the Secretary of State’s function of deciding appeals under section 41 of the Consumer Credit Act 1974 (c. 39),
 - (b) functions of the Consumer Credit Appeals Tribunal,
 - (c) the Secretary of State’s function of deciding appeals under section 7(1) of the Estate Agents Act 1979 (c. 38), or
 - (d) functions of an adjudicator under section 5 of the Criminal Injuries Compensation Act 1995 (c. 53) (but see subsection (7)).
- (7) Functions of an adjudicator under section 5 of the Criminal Injuries Compensation Act 1995 (c. 53), so far as they relate to Scotland, may be transferred under subsection (1) or (3) only with the consent of the Scottish Ministers.
- (8) A function of a tribunal may be transferred under subsection (1) or (3) only with the consent of the Welsh Ministers if any relevant function is exercisable in relation to the tribunal by the Welsh Ministers (whether by the Welsh Ministers alone, or by the Welsh Ministers jointly or concurrently with any other person).
- (9) In subsection (8) “relevant function”, in relation to a tribunal, means a function which relates—
 - (a) to the operation of the tribunal (including, in particular, its membership, administration, staff, accommodation and funding, and payments to its members or staff), or
 - (b) to the provision of expenses and allowances to persons attending the tribunal or attending elsewhere in connection with proceedings before the tribunal.