

SCHEDULE 3

Article 6(3)

Transitional and saving provisions

1. Any proceedings before an old tribunal which are pending immediately before 1st July 2013 shall continue on and after that date as proceedings before the First-tier Tribunal.

2. Any case in the process of being referred to an old tribunal on 1st July 2013 shall continue on or after that date as a case being referred to the First-tier Tribunal.

3.—(1) The following sub-paragraphs apply where proceedings are continued in the First-tier Tribunal by virtue of paragraph 1.

(2) Where a hearing began before 1st July 2013 but was not completed by that date, the First-tier Tribunal must be comprised for the continuation of that hearing of the person or persons who began it.

(3) The First-tier Tribunal may give any direction to ensure that proceedings are dealt with fairly and, in particular, may—

- (a) apply any provision in procedural rules which applied to the proceedings before 1st July 2013; or
- (b) disapply provisions of Tribunal Procedure Rules.

(4) In sub-paragraph (3) “procedural rules” means provision (whether called rules or not) regulating practice or procedure before an old tribunal.

(5) Any decision (whether or not called a decision) or direction or order given or made in proceedings which is in force immediately before 1st July 2013 remains in force on and after that date as if it were a decision, direction or order of the First-tier Tribunal.

(6) A time period which has started to run before 1st July 2013 and which has not expired shall continue to apply.

(7) An order for costs may only be made if, and to the extent that, an order could have been made before 1st July 2013.

4. Where an appeal lies to the High Court from any decision made by an old tribunal before 1st July 2013, that right of appeal has not been exercised, and the time to exercise that right of appeal has not expired before 1st July 2013—

- (a) section 11 of the Tribunals, Courts and Enforcement Act 2007⁽¹⁾ (right to appeal to Upper Tribunal),
- (b) section 111 of the Land Registration Act 2002⁽²⁾ as amended by this Order, where the old tribunal is the Adjudicator to Her Majesty’s Land Registry,
- (c) section 176B of the Commonhold and Leasehold Reform Act 2002⁽³⁾ as inserted by this Order, where the old tribunal is a rent assessment committee sitting as a leasehold valuation tribunal, and
- (d) section 231A of the Housing Act 2004⁽⁴⁾ as inserted by this Order, where the old tribunal is a rent assessment committee sitting as a residential property tribunal,

shall apply as if the decision were a decision made on or after 1st July 2013 by the First-tier Tribunal, and any reference to an old tribunal in an enactment relating to such an appeal, express or otherwise, is to be taken as a reference to the First-tier Tribunal.

(1) 2007 c. 15

(2) 2002 c. 9

(3) 2002 c. 15

(4) 2004 c. 34

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

5. Where an appeal lies to the High Court from any decision of a rent assessment committee for an area in Wales made before 1st July 2013, that right of appeal has not been exercised, and the time to exercise that right of appeal has not expired before 1st July 2013, section 65A(1) of the Rent Act 1977⁽⁵⁾ as inserted by this Order shall apply.

6. Where an appeal lies to the High Court from any decision of the Agricultural Land Tribunal in Wales made before 1st July 2013, that right of appeal has not been exercised, and the time to exercise that right of appeal has not expired before 1st July 2013, section 6 of the Agriculture (Miscellaneous Provisions) Act 1954⁽⁶⁾ as amended by this Order shall apply

7. Staff appointed to an old tribunal before 1st July 2013, apart from those transferring in as members of the First-tier Tribunal, are to be treated on and after that date, for the purpose of any enactment, as if they had been appointed by the Lord Chancellor under section 40(1) of the Tribunals, Courts and Enforcement Act 2007 (tribunal staff and services).

8. For the purposes of this Schedule, “an old tribunal” means—

- (a) a rent assessment committee functioning as a rent tribunal in England;
- (b) a rent assessment committee functioning in that capacity in England;
- (c) a rent assessment committee functioning as a residential property tribunal in England;
- (d) a rent assessment committee functioning as a leasehold valuation tribunal in England;
- (e) an Agricultural Land Tribunal for an area in England;
- (f) the Adjudicator to Her Majesty’s Land Registry.

Saving provision

9. Section 11(1) of the Tribunals and Inquiries Act 1992⁽⁷⁾ shall continue to apply to any decision given by a rent assessment committee for an area in Wales or an agricultural land tribunal in Wales before 1st July 2013 where the right of appeal has been exercised before 1st July 2013 as if the amendment to it in Schedule 1 had not been made.

(5) 1977 c. 42
(6) 1954 c. 39
(7) 1992 c. 53