
WELSH STATUTORY INSTRUMENTS

2007 No. 2876 (W.250)

TRIBUNALS AND INQUIRIES, WALES

**The Administrative Justice and Tribunals
Council (Listed Tribunals) (Wales) Order 2007**

<i>Made</i>	- - - -	<i>3 October 2007</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>4 October 2007</i>
<i>Coming into force</i>	- -	<i>1 November 2007</i>

The Welsh Ministers make the following Order in exercise of the powers conferred on them by paragraph 25(2) of Schedule 7 to the Tribunals, Courts and Enforcement Act 2007⁽¹⁾:

Title, application and commencement

1. The title of this Order is the Administrative Justice and Tribunals Council (Listed Tribunals) (Wales) Order 2007; it applies in relation to Wales and comes into force on 1 November 2007.

List of tribunals

2. The tribunals shown in the Schedule to this Order are listed tribunals for the purposes of Schedule 7 to the Tribunals, Courts and Enforcement Act 2007.

3 October 2007

Rhodri Morgan
First Minister for Wales, one of the Welsh
Ministers

Status: This is the original version (as it was originally made).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

SCHEDULE

LISTED TRIBUNALS

Tribunal	Legislation
Committees for Wales.	Section 27 of the Forestry Act 1967 (c. 10)(2).
Rent Assessment Committees in Wales.	Section 65 and Schedule 10 to the Rent Act 1977(c. 42)(3).
Valuation Tribunals in Wales.	Regulations made under Schedule 11 to the Local Government Finance Act 1988 (c. 41)(4).
Special Educational Needs Tribunal for Wales or Tribiwnlys Anghenion Addysgol Arbennig Cymru.	Section 336ZA of the Education Act 1996(c. 56)(5).
Parking adjudicators in Wales.	Section 73 of the Road Traffic Act 1991 (c. 40)(6)(7).
Admission appeal panels in Wales.	Section 94(5) or 95(3) of the School Standards and Framework Act 1998 (c. 31)(8).

- (2) Functions under the Forestry Act 1967 were transferred to the National Assembly for Wales constituted by the Government of Wales Act 1998 (c. 38) by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2 and Schedule 1, and have been transferred to the Welsh Ministers by the Government of Wales Act 2006 (c. 32), Schedule 11 paragraph 30.
- (3) Functions under the Rent Act 1977 were transferred to the National Assembly for Wales constituted by the Government of Wales Act 1998 (c. 38) by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2 and Schedule 1, and have been transferred to the Welsh Ministers by the Government of Wales Act 2006 (c. 32), Schedule 11 paragraph 30.
- (4) Functions under the Local Government Finance Act 1988 were transferred to the National Assembly for Wales constituted by the Government of Wales Act 1998 (c. 38) by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2 and Schedule 1, and have been transferred to the Welsh Ministers by the Government of Wales Act 2006 (c. 32), Schedule 11 paragraph 30.
- (5) Section 336ZA was inserted by the Education Act 2002 (c. 32), section 195 and Schedule 18, paragraphs 1 and 5. Section 336ZA (1) establishes the Special Educational Needs Tribunal for Wales. Section 336ZA provides that sections 333 to 336 of the Education Act 2002 apply in relation to the Special Educational Needs Tribunal for Wales as they apply to the Special Educational Needs and Disability Tribunal, but as if functions of the Secretary of State were functions of the National Assembly for Wales constituted under the Government of Wales Act 1998 (c. 38), references to the Secretary of State were references to the Assembly, and requirements for the Treasury's consent were omitted. Functions of the Assembly under sections 333 to 336 (as modified by section 336ZA(2)) have been transferred to the Welsh Ministers by the Government of Wales Act 2006 (c. 32), Schedule 11 paragraph 30.
- (6) Section 73 and other provisions of the Road Traffic Act 1991 have been modified so as to confer functions on the National Assembly for Wales constituted by the Government of Wales Act 1998 (c. 38) by the Road Traffic (Permitted Parking Area and Special Parking Area) (County of Neath Port Talbot) Order 1999 (S.I. 1999/1288), the Road Traffic (Permitted Parking Area and Special Parking Area) (County of Carmarthenshire) Order 2004 (S.I. 2004/104 (W.11)) article 4 and Schedule 1 paragraph 4, the Road Traffic (Permitted Parking Area and Special Parking Area) (County of Denbighshire) Order 2004 (S.I. 2004/1608 (W.167)) article 5 and Schedule 1 paragraph 4, the Road Traffic (Permitted Parking Area and Special Parking Area) (County Borough of Conwy) Order 2006 (S.I. 2006/1791 (W.187)) article 5 and Schedule 1 paragraph 4, the Road Traffic (Permitted Parking Area and Special Parking Area) (County of Gwynedd) Order 2007 (S.I. 2007/714 (W.62)) article 5 and Schedule 1 paragraph 4, and the Road Traffic (Permitted Parking Area and Special Parking Area) (County of the Isle of Anglesey) Order 2007 (S.I. 2007/1043 (W.103)) article 5 and Schedule 1 paragraph 4. Those functions have been transferred to the Welsh Ministers by the Government of Wales Act 2006 (c. 32), Schedule 11 paragraph 30.
- (7) Section 73, and other provisions of the Road Traffic Act 1991, are repealed by the Traffic Management Act 2004 (c. 18), section 98 and Schedule 12, Part 1. The Traffic Management Act 2004 has been partly commenced in relation to Wales by the Traffic Management Act 2004 (Commencement No.1) (Wales) Order 2006 (S.I.2006/2826 (W.249)), article 2, but Part 1 of Schedule 12 has yet to be commenced in relation to Wales.
- (8) Functions under the School Standards and Framework Act 1998 were transferred to the National Assembly for Wales constituted by the Government of Wales Act 1998 (c. 38) by the National Assembly for Wales (Transfer of Functions) Order 1999, (S.I. 1999/672) Article 2 and Schedule 1, and have been transferred to the Welsh Ministers by the Government of Wales Act 2006 (c. 32), Schedule 11 paragraph 30.

Tribunal	Legislation
Tribunal.	Paragraph 10(2) of Schedule 26 to the School Standards and Framework Act 1998 (c. 31)(9).
Case tribunals or interim case tribunals drawn from the adjudication panel for Wales.	Section 76 of the Local Government Act 2000 (c. 22)(10).
Exclusion appeal panels in Wales.	Paragraph 2 of the Schedule to the Education (Pupil Exclusion and Appeals) (Maintained Schools) (Wales) Regulations 2003 (S.I.2003/3227)(11).
Tribunal.	Schedule 3 to the Education Act 2005 (c. 18)(12).
Independent panels in Wales.	Regulation 21(1) of the Social Services Complaints Procedure (Wales) Regulations 2005(S.I. 2005/3366)(13).
Local Health Boards in Wales in respect of their functions under the National Health Service (Service Committees and Tribunal) Regulations 1992 (1992/664).	Section 11 of the National Health Service (Wales) Act 2006 (c. 42).
Independent panels in Wales.	Regulation 4 of the Independent Review of Determinations (Adoption) (Wales) Regulations 2006 (S.I. 2006/3100)(14).
A board of medical referees.	Paragraph 3 of Annex 2 to the Firefighters' Pension Scheme (Wales) Order 2007 (S.I. 2007/1072)(15).

(9) See preceding footnote.

(10) Functions of the National Assembly for Wales constituted under the Government of Wales Act 1998 (c. 38) under the Local Government Act 2000 (c. 22) have been transferred to the Welsh Ministers by the Government of Wales Act 2006 (c. 32), Schedule 11 paragraph 30.

(11) Functions of the National Assembly for Wales constituted by the Government of Wales Act 1998 (c. 38) under the Regulations have been transferred to the Welsh Ministers by the Government of Wales Act 2006 (c. 32), Schedule 11 paragraph 30.

(12) Functions of the National Assembly for Wales constituted by the Government of Wales Act 1998 (c. 38) under the Education Act 2005 have been transferred to the Welsh Ministers by the Government of Wales Act 2006 (c. 32), Schedule 11 paragraph 30.

(13) Functions of the National Assembly for Wales constituted by the Government of Wales Act 1998 (c. 38) under the Regulations have been transferred to the Welsh Ministers by the Government of Wales Act 2006 (c. 32), Schedule 11 paragraph 30.

(14) Functions of the National Assembly for Wales constituted by the Government of Wales Act 1998 (c. 38) under the Regulations have been transferred to the Welsh Ministers by the Government of Wales Act 2006 (c. 32), Schedule 11 paragraph 30.

(15) Functions of the National Assembly for Wales constituted by the Government of Wales Act 1998 (c. 38) under the Order have been transferred to the Welsh Ministers by the Government of Wales Act 2006 (c. 32), Schedule 11 paragraph 30.

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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under paragraph 25(2) of Schedule 7 to the Tribunals, Courts and Enforcement Act 2007 (c. 15) (“the Act”). It amends the list of “listed tribunals” provided for in paragraph 25(1) of that Schedule.

Section 44 of the Act provides for the establishment of the Administrative Justice and Tribunals Council to replace the Council on Tribunals.

Schedule 7 makes provision for membership and committees of the Administrative Justice and Tribunals Council. It also makes provision in relation to the functions of the Administrative Justice and Tribunals Council, such as keeping under review, considering and reporting on matters relating to the “listed tribunals”, and being consulted on rules for them.

On the coming into force of the Act the only “listed tribunals” were the two new tribunals provided for in paragraph 25(1) of Schedule 7, being the First-tier Tribunal and the Upper Tribunal.

This Order adds to the “listed tribunals” all those entities in relation to which the Welsh Ministers are the “appropriate authority” for the purposes of paragraph 25(2) of Schedule 7 and in relation to which the Council on Tribunals keeps under review, considers and reports on matters, in order to ensure that the Administrative Justice and Tribunals Council properly replaces the Council on Tribunals.

Broadly speaking, paragraph 27 of Schedule 7 provides that the Welsh Ministers are the responsible authority for a tribunal if the tribunal’s functions are exercisable in relation to Wales and the Welsh Ministers have the sole power to either appoint its members (or, in the case of a tribunal that exercises functions in relation to Wales and elsewhere, to appoint the members who exercise such functions in relation to Wales) or to make procedural rules for the tribunal or to do both of those things.