Draft Order laid before Parliament under section 49(5) of the Tribunals, Courts and Enforcement Act 2007, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2013 No.

TRIBUNALS AND INQUIRIES

The Amendments to Schedule 6 to the Tribunals, Courts and Enforcement Act 2007 Order 2013

Made - - - - ***

The Lord Chancellor makes the following Order in exercise of the power conferred by section 37(1) of the Tribunals, Courts and Enforcement Act 2007(**a**).

A draft of this Order was laid before Parliament and approved by resolution of each House of Parliament in accordance with section 49(5) of that Act.

Citation

1. This Order may be cited as the Amendments to Schedule 6 to the Tribunals, Courts and Enforcement Act 2007 Order 2013.

Amendments to the lists of tribunals in Parts 1, 4 and 7 of Schedule 6

2. In the Table comprising Part 1 of Schedule 6 to the Tribunals, Courts and Enforcement Act 2007 (tribunals for the purposes of sections 30, 35 and 36)—

(a) insert as the first entry in that Table—

"Agricultural Land Tribunals for areas in England	Section 73 of the Agriculture Act 1947 (c.48) (**b**);"

(b) insert the following entry after the entry relating to the Reinstatement Committee—

"Rent assessment committees for areas in England	Section 65 of, and Schedule 10 to, the Rent Act 1977 (c. 42)"(**c**).

(**a**) 2007 c. 15

(**b**) Section 73 has been amended by paragraph 3 of Schedule 1 to the Agriculture Act 1958 (c. 71), paragraph 18 of Schedule 14 to the Agricultural Holdings Act 1986 (c. 5) and paragraph 30 of Schedule 4 to the Constitutional Reform Act 2005 (c. 4). It will be further amended by Schedule 1 to the Transfer of Tribunal Functions Order 2013, with effect from 1st July 2013.

(**c**) Schedule 10 has been amended by sections 71(2) and 148 of and paragraph 56 of Schedule 25 to the Housing Act 1980 (c. 51), paragraph 56 of Schedule 6 to the Judicial Pensions and Retirement Act 1993 (c. 8) and sections 222 and 227 of and paragraph 22 of Schedule 18 to the Housing Act 1996 (c. 52). It is also affected by the National Assembly for Wales (Transfer of Functions) Order 1999, (S.I. 1999/672).

3. In the Table comprising Part 4 of Schedule 6 to the Tribunals, Courts and Enforcement Act 2007 (tribunals for the purposes of section 30), omit the entry relating to Agricultural Land Tribunal.

4. In the Table comprising Part 7 of Schedule 6 to the Tribunals, Courts and Enforcement Act 2007 (tribunals for the purposes of section 32(3))—

(a) insert the following entry after the entry relating to the Case tribunal, or interim case tribunal, drawn from the Adjudication Panel for Wales—

"Agricultural Land Tribunal for Wales	Section 73 of the Agriculture Act 1947 (c. 48)";

(b) insert the following entry after the entry relating to the Mental Health Review Tribunal for Wales—

"Rent assessment committees for areas in Wales	Section 65 of, and Schedule 10 to, the Rent Act 1977 (c. 42)"

Signed by the authority of the Lord Chancellor

Name
Parliamentary Under Secretary of State
Ministry of Justice

Date

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for rent assessment committees to be added to Schedule 6 to the Tribunals, Courts and Enforcement Act 2007 (c. 15) ("the 2007 Act"). Committees for areas in England are added to Part 1 of that Schedule and committees for areas in Wales are added to Part 7 of that Schedule.

Agricultural Land Tribunals for areas in England are added to Part 1 of that Schedule and the Agricultural Land Tribunal for Wales is added to Part 7 of that Schedule.

The Order also removes the entry relating to Agricultural Land Tribunal which currently appears in Part 4 of that Schedule.

The result is that the Lord Chancellor is empowered to transfer the functions of those tribunals into the unified tribunal structure created by the 2007 Act. He is also empowered, in relation to England, to transfer to the Lord Chancellor Ministerial responsibilities for those tribunals and to transfer to the Tribunal Procedure Committee the powers to make procedural rules for those tribunals.

By adding the Agricultural Land Tribunal for Wales and rent assessment committees for areas in Wales to Part 7 of Schedule 6 the Lord Chancellor is empowered to transfer the right of appeal from decisions of those tribunals from the High Court to the Upper Tribunal under the provisions of section 32 of the 2007 Act.

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