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

2009 No. 0000

TRIBUNALS AND INQUIRIES

The Transfer of Tribunal Functions Order 2009

Made - - - - 2009

Coming into force in accordance with article 1

The Lord Chancellor makes the following Order in exercise of the powers conferred by sections 30(1) and (4), 31(1), (2) and (9) and 38 of, and paragraph 30 of Schedule 5 to, the Tribunals, Courts and Enforcement Act 2007(**a**).

The Welsh Ministers have consented to the making of this Order in so far as their consent is required by section 30(8) of that Act.

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

Citation, commencement and extent

1.—(1) This Order may be cited as the Transfer of Tribunal Functions Order 2009 and, subject to paragraph (2), comes into force on 18th January 2010.

(2) The following provisions of this Order come into force on 6th April 2010—

(a) paragraph (5);

(b) article 2(2), (3)(b) and (4);

(c) article 3 in respect of the Financial Services and Markets Tribunal;

(d) Schedule 1 in respect of the Financial Services and Markets Tribunal and the Pensions Regulator Tribunal;

(e) in Schedule 2, paragraphs 3(c)(i), 4(c), 5 to 9, 12 to 14, 15(c), 17(b), 18(b), 20 to 23, 43 to 49, 74 to 89, 92(h) to (k) and 141 to 151;

(f) in Schedule 3, paragraphs 16 to 38, 90 to 94, 140 to 142, 143(d), 144 to 146, 148 to 158, 176 to 189 and 191 to 200; and

(g) Part 2 of Schedule 4.

(3) Subject as follows, this Order extends to England and Wales, Scotland and Northern Ireland.

(**a**) 2007 c.15.

(4) Except as provided by paragraph (5), an amendment, repeal or revocation of any enactment by any provision of Schedule 2, 3 or 4 extends to the part or parts of the United Kingdom to which the enactment extends.

(5) The amendments, repeals and revocations made by the following provisions do not extend to Northern Ireland—

(a) in Schedule 2, paragraphs 5(b), 9(b), 77 to 79, 83 to 85, 88, 142(b) and 143(b);

(b) in Schedule 3, paragraphs 90 to 94;

(c) in Part 2 of Schedule 4, the entries relating to—

(i) the Tribunals, Courts and Enforcement Act 2007(**a**) in so far as it relates to paragraph 40 of Schedule 10;

(ii) the Pensions Act 2008(**b**);

(iii) the Pensions Regulator Tribunal Rules 2005(**c**); and

(iv) the Lord Chancellor (Transfer of Functions and Supplementary Provisions) (No. 2) Order 2006(**d**).

Transfer of functions of certain tribunals

2.—(1) The functions of the following tribunals are transferred to the First-tier Tribunal—

(a) tribunals drawn from the Adjudication Panel for England;

(b) the Claims Management Services Tribunal;

(c) the Gambling Appeals Tribunal;

(d) the Immigration Services Tribunal; and

(e) the Family Health Services Appeal Authority.

(2) The functions of the Financial Services and Markets Tribunal are transferred to the Upper Tribunal.

(3) The functions of the following tribunals are transferred to the First-tier Tribunal and the Upper Tribunal with the question as to which one of them is to exercise the functions in a particular case being determined by, or under, Tribunal Procedure Rules—

(a) the Information Tribunal; and

(b) subject to paragraph (4), the Pensions Regulator Tribunal.

(4) The functions of the Pensions Regulator Tribunal exercisable in relation to Northern Ireland are not transferred.

Abolition of tribunals

3. The tribunals mentioned in article 2(1), (2) and (3)(a) are abolished.

Persons becoming judges and other members of the First-tier Tribunal and the Upper Tribunal

4. A person who, immediately before this Order comes into force, holds an office listed in a part of Schedule 1, is to hold the office or offices set out in the corresponding entry in the table below.

Part of Schedule 1	*Office or offices*
Part 1	Transferred-in judge of the Upper Tribunal

(**a**) 2007 c. 15.
(**b**) 2008 c. 30.
(**c**) S.I. 2005/690.
(**d**) S.I. 2006/1016.

Part 2	Transferred-in other member of the Upper Tribunal
Part 3	Deputy judge of the Upper Tribunal and transferred in judge of the First-tier Tribunal
Part 4	Transferred-in judge of the First-tier Tribunal
Part 5	Transferred-in other member of the First-tier Tribunal

Consequential, transitional and saving provisions

5.—(1) Schedule 2 contains amendments to primary legislation as a consequence of the transfers effected by this Order.

(2) Schedule 3 contains amendments to secondary legislation as a consequence of the transfers effected by this Order.

(3) Schedule 4 contains repeals and revocations as a consequence of the amendments in Schedules 2 and 3.

(4) Schedule 5 contains transitional and saving provisions.

By authority of the Lord Chancellor

Parliamentary Under-Secretary of State
Ministry of Justice

Date

SCHEDULE 1

Article 4

Persons becoming judges and members of the First-tier Tribunal and Upper Tribunal

PART 1

Persons becoming transferred-in judges of the Upper Tribunal

Member of the panel of chairmen of the Financial Services and Markets Tribunal appointed under paragraph 3(1) of Schedule 13 to the Financial Services and Markets Act 2000 (c. 8)

Member of the panel of chairmen of the Pensions Regulator Tribunal appointed under paragraph 1(1) of Schedule 4 to the Pensions Act 2004 (c. 35)

President of the Claims Management Services Tribunal by virtue of section 12(2)(b) of the Compensation Act 2006 (c. 29)

Deputy President of the Claims Management Services Tribunal by virtue of section 12(2)(c) of the Compensation Act 2006

Member of the panel of chairmen of the Claims Management Services Tribunal by virtue of section 12(2)(d) of the Compensation Act 2006

PART 2

Persons becoming transferred-in other members of the Upper Tribunal

Other member of the Information Tribunal appointed under section 6(4)(c) of the Data Protection Act 1998(**a**)

Member of the lay panel of members of the Financial Services and Markets Tribunal appointed under paragraph 3(4) of Schedule 13 to the Financial Services and Markets Act 2000

Member of the lay panel of members of the Pensions Regulator Tribunal appointed under paragraph 1(4) of Schedule 4 to the Pensions Act 2004

Member of the panel of other members of the Claims Management Services Tribunal by virtue of section 12(2)(a) of the Compensation Act 2006

PART 3

Persons becoming deputy judges of the Upper Tribunal and transferred-in judges of the First-tier Tribunal

Chairman of the Information Tribunal appointed under section 6(4)(a) of the Data Protection Act 1998 and known as the President of the Tribunal

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(**a**) 1998 c. 29. Section 6(4) was amended by the Schedule to the Transfer of Functions (Lord Advocate and Secretary of State) Order 1999 (S.I. 1999/678) and paragraph 9(1)(a) of Schedule 2 to the Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887).

Deputy chairman of the Information Tribunal appointed under section 6(4)(b) of the Data Protection Act 1998 and designated under paragraph 2 of Schedule 6 to that Act

President of the Immigration Services Tribunal appointed under paragraph 2 of Schedule 7 to the Immigration and Asylum Act 1999 (c. 33)

President of the Adjudication Panel for England appointed under section 75(4)(a) of the Local Government Act 2000 (c. 22)

President of the Gambling Appeals Tribunal appointed under paragraph 1(1)(a) of Schedule 8 to the Gambling Act 2005 (c. 19)

President of the Family Health Services Appeal Authority appointed under paragraph 1(a) of Schedule 13 to the National Health Service Act 2006 (c. 41)

PART 4

Persons becoming transferred-in judges of the First-tier Tribunal

Deputy chairman of the Information Tribunal appointed under section 6(4)(b) of the Data Protection Act 1998

A legal member of the Immigration Services Tribunal appointed under paragraph 1(2) and (3)(a) of Schedule 7 to the Immigration and Asylum Act 1999

Deputy President of the Adjudication Panel for England appointed under section 75(4)(b) of the Local Government Act 2000

Member of the Adjudication Panel for England appointed under section 75(3) of the Local Government Act 2000 as a legal member of the Panel

Other member of the Gambling Appeals Tribunal appointed under paragraph 1(1)(b) of Schedule 8 to the Gambling Act 2005

Deputy President of the Family Health Services Appeal Authority appointed under paragraph 1(b) of Schedule 13 to the National Health Service Act 2006

Member of the Family Health Services Appeal Authority appointed under paragraphs 1(c) and 6(2)(a) of Schedule 13 to the National Health Service Act 2006

PART 5

Persons becoming transferred-in other members of the First-tier Tribunal

Other member of the Immigration Services Tribunal appointed under paragraph 1(2) and (3)(b) of Schedule 7 to the Immigration and Asylum Act 1999

Member of the Adjudication Panel for England appointed under section 75(3) of the Local Government Act 2000 as a lay member of the Panel

Other member of the Family Health Services Appeal Authority appointed under paragraph 1(c) of Schedule 13 to the National Health Service Act 2006

SCHEDULE 2

Article 5(1)

Consequential amendments to primary legislation

Public Records Act 1958

1. In paragraph 4(1) of Schedule 1 to the Public Records Act 1958(**a**) (definition of public records) omit paragraphs (ja) and (nn).

Parliamentary Commissioner Act 1967

2. In Schedule 4 to the Parliamentary Commissioner Act 1967(**b**) (relevant tribunals for the purposes of section 5(7)) omit the entry relating to the Information Tribunal.

House of Commons Disqualification Act 1975

3. In Schedule 1 to the House of Commons Disqualification Act 1975(**c**) (offices disqualifying for membership)—

(a) in Part 1 (judicial offices) omit the entry relating to a member of the Immigration Services Tribunal;

(b) in Part 2 (bodies of which all members are disqualified) omit the entries relating to—

(i) the Gambling Appeals Tribunal; and

(ii) the Information Tribunal; and

(c) in Part 3 (other disqualifying offices) omit the entries relating to—

(i) any member, in receipt of remuneration, of a panel of persons who may be selected to act as members of the Financial Services and Markets Tribunal; and

(ii) the President and any Deputy President of the Family Health Services Appeal Authority.

Northern Ireland Assembly Disqualification Act 1975

4. In Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975(**d**) (offices disqualifying for membership)—

(a) in Part 1 (judicial offices) omit the entry relating to a member of the Immigration Services Tribunal;

(b) in Part 2 (bodies of which all members are disqualified) omit the entry relating to the Information Tribunal; and

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(**a**) 1958 c. 51. Amended by paragraph 3(2) of Part 1 of Schedule 2 to the Freedom of Information Act 2000 (c. 36) and by paragraph 30 of Schedule 1 to the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307)

(**b**) 1967 c. 13, Schedule 4 was substituted by Schedule 2 to the Parliamentary Commissioner Order 2007 (S.I. 2007/3470).

(**c**) 1975 c.24. The entries omitted by this Order were inserted by paragraph 12 of Schedule 7 to the Immigration and Asylum Act 1999 (c. 33), paragraph 1(b) of Schedule 20 to the Financial Services and Markets Act 2000 (c. 8), paragraph 8(1) of Part 1 of Schedule 2 to the Freedom of Information Act 2000 (c. 36), paragraph 3 of Schedule 5 to the Health and Social Care Act 2001 (c. 15) and paragraph 16 of Schedule 8 to the Gambling Act 2005 (c. 19). The entry relating to the President and any Deputy President of the Family Health Services Appeal Authority was amended by paragraph 54(d) of Schedule 1 to the National Health Service (Consequential Provisions) Act 2006 (c. 43).

(**d**) 1975 c. 25. The entries omitted by this Order were inserted by paragraph 13 of Schedule 7 to the Immigration and Asylum Act 1999 (c. 33), paragraph 2(b) of Schedule 20 to the Financial Services and Markets Act 2000 (c. 8) and paragraph 9(1) of Part 1 of Schedule 2 to the Freedom of Information Act 2000 (c. 36).

(c) in Part 3 (other disqualifying offices) omit the entry for any member, in receipt of remuneration, of a panel of persons who may be selected to act as members of the Financial Services and Markets Tribunal.

Companies Act 1985

5. In Schedule 15D to the Companies Act 1985(**a**)(disclosures)—

(a) for paragraph 43 substitute—

"**43.** A disclosure with a view to the institution of, or otherwise for the purposes of, proceedings before the Upper Tribunal in respect of—

(a) a decision of the Financial Services Authority;

(b) a decision of the Bank of England; or

(c) a decision of a person relating to the assessment of any compensation or consideration under the Banking (Special Provisions) Act 2008(**b**) or the Banking Act 2009(**c**).”; and

(b) in paragraph 44A for “the Pensions Regulator Tribunal” substitute “a tribunal in relation to a decision of the Pensions Regulator”.

Building Societies Act 1986

6. The Building Societies Act 1986(**d**) is amended as follows.

7. In section 46A (notices, hearings and appeals)—

(a) in subsection (5) for “Financial Services and Markets Tribunal” substitute “Upper Tribunal”; and

(b) omit subsection (7).

8. In section 93 (amalgamations)—

(a) in subsection (6B) for “Financial Services and Markets Tribunal” substitute “Upper Tribunal”; and

(b) in subsection (6C) for “section 133(9)” substitute “section 133A(4)”.

Companies Act 1989

9. In Section 87(2) of the Companies Act 1989(**e**) (exceptions from restrictions on disclosure)—

(a) for paragraph (b) substitute—

“(b) civil proceedings arising under or by virtue of the Financial Services and Markets Act 2000 and proceedings before the Upper Tribunal in respect of—

(i) a decision of the Financial Services Authority;

(ii) a decision of the Bank of England; or

(**a**) 1985 c. 6. Schedule 15D was inserted by paragraphs 16 and 25 of Schedule 2 to the Companies (Audit, Investigations and Community Enterprise) Act 2004 (c. 27). Paragraph 44A was inserted by paragraph 19 of Schedule 4 to the Pensions Act 2004 (c. 35).

(**b**) 2008 c. 2.

(**c**) 2009 c. 1.

(**d**) 1986 c. 53. Sections 46A and 93(6B) were inserted by paragraphs 131, 148 and 177(d) of Schedule 3 to the Financial Services and Markets Act 2000 (Mutual Societies) Order 2001 (S.I. 2001/2617).

(**e**) 1989 c. 40. Section 87(2)(b) was substituted by article 77(1) and (2) of the Financial Services and Markets Act 2000 (Consequential Amendments and Repeals) Order 2001 (S.I. 2001/3649). Section 87(2)(d) was inserted by paragraph 20 of Schedule 4 to the Pensions Act 2004 (c. 35).

(iii) a decision of a person relating to the assessment of any compensation or consideration under the Banking (Special Provisions) Act 2008(**a**) or the Banking Act 2009(**b**),"; and

(b) in paragraph (d) for "the Pensions Regulator Tribunal" substitute "a tribunal in relation to a decision of the Pensions Regulator".

Courts and Legal Services Act 1990

10. In Schedule 11 to the Courts and Legal Services Act 1990(**c**) (judges etc. barred from legal practice) omit the entry relating to the President of the Gambling Appeals Tribunal.

Planning and Compensation Act 1991

11. In Part 2 of Schedule 18 to the Planning and Compensation Act 1991(**d**) (compensation provisions referred to in section 80) for the entry for rule 32 of the Tribunal Procedure (Upper Tribunal) (Lands Chamber) Rules 2009 substitute—

"Rule 32 of the Lands Tribunal Rules 1996 (awards with interest by Lands Chamber of the Upper Tribunal).".

Friendly Societies Act 1992

12. The Friendly Societies Act 1992(**e**) is amended as follows.

13. In section 58A (notices, hearings and appeals)—

(a) in subsection (5) for "Financial Services and Markets Tribunal" substitute "Upper Tribunal"; and

(b) omit subsection (7).

14. In section 85 (amalgamation of friendly societies)—

(a) in subsection (4C) for "Financial Services and Markets Tribunal" substitute "Upper Tribunal"; and

(b) in subsection (4D) for "section 133(9)" substitute "section 133A(4)".

Tribunals and Inquiries Act 1992

15. In Part 1 of Schedule 1 to the Tribunals and Inquiries Act 1992(**f**) (tribunals under direct supervision of Council) omit—

(a) paragraph 8A relating to the Claims Management Services Tribunal;

(b) paragraph 14(b) relating to the Information Tribunal;

(**a**) 2008 c. 2.
(**b**) 2009 c. 1.
(**c**) 1990 c.41. The entry relating to the President of the Gambling Appeals Tribunal was inserted by paragraph 17 of Schedule 8 to the Gambling Act 2005 (2005 c.19).
(**d**) 1991 c. 34. Part 2 of Schedule 18 was amended by article 2(1) and (3) of the Planning and Compensation Act 1991 (Amendment of Schedule 18) Order 1999 (S.I. 1999/648) and paragraph 215 of Schedule 1 to the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307).
(**e**) 1992 c. 40. Sections 58A and 85(4C) and (4D) were inserted by paragraphs 53, 75 and 95(b) of Schedule 3 to the Financial Services and Markets Act 2000 (Mutual Societies) Order 2001 (S.I. 2001/2617).
(**f**) 1992 c.53. In Schedule 1, paragraph 8A was inserted by section 12(6) of the Compensation Act 2006 (c. 29). Paragraph 14(b) was substituted by paragraph 16 of Schedule 15 to the Data Protection Act 1998 (c. 29) and by paragraph 10(b) of Schedule 2 to the Freedom of Information Act 2000 (c. 36). Paragraph 18 was inserted by paragraph 6 of Schedule 20 to the Financial Services and Markets Act 2000 (c. 8). Paragraph 21C was inserted by paragraph 15 of Schedule 8 to the Gambling Act 2005 (c.19). Paragraph 22A was inserted by paragraph 97 of Schedule 14 to the Immigration and Asylum Act 1999 (c. 33), however that provision was not commenced before the making of this Order. Paragraph 33(b) was substituted by paragraph 10 of Schedule 5 to the Health and Social Care Act 2001 (c. 15) and amended by paragraph 157(c) of Schedule 1 to the National Health Service (Consequential Provisions) Act 2006 (c. 43).

(c) paragraph 18 relating to the Financial Services and Markets Tribunal;

(d) paragraph 21C relating to the Gambling Appeals Tribunal;

(e) paragraph 22A relating to the Immigration Services Tribunal; and

(f) paragraph 33(b) relating to the Family Health Services Appeal Authority.

Judicial Pensions and Retirement Act 1993

16. The Judicial Pensions and Retirement Act 1993(**a**) is amended as follows.

17. In Part 2 of Schedule 1 (the offices which may be qualifying judicial offices – other appointments) omit the entries relating to—

(a) the President of the Gambling Appeals Tribunal; and

(b) the President or Deputy President of the Financial Services and Markets Tribunal.

18. In Schedule 5 (retirement provisions: the relevant offices) omit the entries relating to—

(a) the chairman or a deputy chairman of the Information Tribunal;

(b) a Member of the Financial Services and Markets Tribunal; and

(c) the President or other member of the Gambling Appeals Tribunal.

19. In Schedule 7 (retirement dates: transitional provisions), in paragraph 5(5) omit paragraph (xxvi) relating to the chairman or a deputy chairman of the Information Tribunal.

Pension Schemes Act 1993

20. In section 175(1)(d) of the Pension Schemes Act 1993(**b**) (levies towards certain expenditure) for "the Pensions Regulator Tribunal" substitute "a tribunal in relation to a decision of the Pensions Regulator".

Pensions Act 1995

21. The Pensions Act 1995(**c**) is amended as follows.

22. In section 3 (prohibition orders)—

(a) in subsection (4)—

(i) in paragraph (a) for "the Tribunal" substitute "a tribunal"; and

(ii) in paragraph (b) for "the Tribunal's determination" substitute "the determination of the tribunal concerned"; and

(b) omit subsection (8).

23. In section 4 (suspension orders)—

(a) in subsection (5A)—

(i) in paragraph (a) for "the Tribunal" substitute "a tribunal"; and

(ii) in paragraph (b) for "the Tribunal's determination" substitute "the determination of the tribunal concerned"; and

(b) omit subsection (7).

(**a**) 1993 c.8. The entries relating to the Gambling Appeals Tribunal were inserted by paragraphs 3(4) and 6 of Schedule 8 to the Gambling Act 2005 (c.19). The entries relating to the Financial Services and Markets Tribunal were inserted by paragraph 7(1), (2) and (3)(b) of Schedule 20 to the Financial Services and Markets Act 2000 (c. 8). The entries relating to the Information Tribunal were amended by paragraphs 11 and 12 of Schedule 2 to the Freedom of Information Act 2000 (c. 36).

(**b**) 1993 c. 48. Subsection (1)(d) was substituted by paragraph 26(2) of Part 5 of Schedule 1 to the Pensions Act 2004 (c. 35).

(**c**) 1995 c. 26. Section 3 was substituted by section 33 of the Pensions Act 2004 (c. 35). Section 4(5A) and (7) were inserted by section 34(c) and (d) of that Act.

Data Protection Act 1998

24. The Data Protection Act 1998(**a**) is amended as follows.

25. In section 6 (the Commissioner and the Tribunal)—

(a) in the heading omit "and the Tribunal";

(b) omit subsections (3) to (6); and

(c) in subsection (7) omit "and the Tribunal".

26. In section 26 (fees regulations) for paragraph (a) of subsection (2) (together with the "and" at the end) substitute—

"(a) the expenses incurred by the Commissioner in discharging his functions under this Act and any expenses of the Secretary of State in respect of the Commissioner so far as attributable to those functions; and".

27. In section 49 (determination of appeals) omit subsections (6) and (7).

28. In section 55E(**b**) (notices under sections 55A and 55B: supplemental) in subsection (2)—

(a) omit paragraph (d);

(b) in paragraph (e) for "such appeals" substitute "appeals made by virtue of paragraph (c)"; and

(c) omit paragraph (f).

29. In section 70(1) (supplementary definitions) for the definition of "the Tribunal" substitute—

""the Tribunal", in relation to any appeal under this Act, means—

(a) the Upper Tribunal, in any case where it is determined by or under Tribunal Procedure Rules that the Upper Tribunal is to hear the appeal; or

(b) the First-tier Tribunal, in any other case;".

30. In Schedule 5 (the Information Commissioner and the Information Tribunal)—

(a) in the heading omit "and the Information Tribunal"; and

(b) omit Part 2 (the Tribunal).

31. In Schedule 6 (appeal proceedings)—

(a) omit paragraphs 1 to 6; and

(b) in paragraph 7—

(i) for the heading substitute "Tribunal Procedure Rules";

(ii) for sub-paragraphs (1) and (2) substitute—

"(1) Tribunal Procedure Rules may make provision for regulating the exercise of the rights of appeal conferred—

(a) by sections 28(4) and (6) and 48 of this Act, and

(b) by sections 47(1) and (2) and 60(1) and (4) of the Freedom of Information Act 2000.

(**a**) 1998 c. 29. Amended by paragraphs 1(2), 13(3) and 14(b) of Part 1 of, and paragraphs 16 and 17 of Part 2 of, Schedule 2 and Schedule 4 to the Freedom of Information Act 2000 (c. 36), paragraph 275 of Schedule 4 and paragraph 5 of Schedule 11 to the Constitutional Reform Act 2005 (c. 4), paragraph 30 of Schedule 10 to the Tribunals, Courts and Enforcement Act 2007 (c. 15), section 144(1) of the Criminal Justice and Immigration Act 2008 (c. 4), the Schedule to the Transfer of Functions (Lord Advocate and Secretary of State) Order 1999 (S.I. 1999/678), paragraph 6(1)(bb) and (3) of the Transfer of Functions (Miscellaneous) Order 2001 (S.I. 2001/3500) and paragraph 9(1)(a), (c) and (d) and (2) of Schedule 2 to the Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887).

(**b**) Section 55E is inserted by section 144(1) of the Criminal Justice and Immigration Act 2008 (c. 4) from a date to be appointed.

(2) In the case of appeals under this Act and the Freedom of Information Act 2000, Tribunal Procedure Rules may make provision—

(a) for securing the production of material used for the processing of personal data;

(b) for the inspection, examination, operation and testing of any equipment or material used in connection with the processing of personal data;

(c) for hearing an appeal in the absence of the appellant or for determining an appeal without a hearing."; and

(iii) omit sub-paragraph (3).

Immigration and Asylum Act 1999

32. The Immigration and Asylum Act 1999(**a**) is amended as follows.

33. In section 82(1) (interpretation of Part 5) omit the definition of "the Tribunal" and the preceding "and".

34. For the italic cross-heading preceding section 87 (the Immigration Services Tribunal) substitute "Appeals to the First-tier Tribunal".

35. In section 87 (the Tribunal)—

(a) for the heading substitute "Appeals to the First-tier Tribunal";

(b) omit subsections (1) and (5);

(c) in subsection (2) for "Tribunal" substitute "First-tier Tribunal";

(d) after subsection (3) insert—

"(3A) A relevant decision of the Commissioner is not to have effect while the period within which an appeal may be brought against the decision is running.

(3B) In the case of an appeal under this section, Tribunal Procedure Rules may include provision permitting the First-tier Tribunal to direct that while the appeal is being dealt with—

(a) no effect is to be given to the decision appealed against; or

(b) only such limited effect is to be given to it as may be specified in the direction.

(3C) If provision is made in Tribunal Procedure Rules by virtue of subsection (3B), the rules must also include provision requiring the First-tier Tribunal to consider applications by the Commissioner for the cancellation or variation of directions given by virtue of that subsection."; and

(e) for subsection (4) substitute—

"(4) For a further function of the First-tier Tribunal under this Part, see paragraph 9(1)(e) of Schedule 5 (disciplinary charges laid by the Commissioner).".

36. In section 88 (appeal upheld by the Tribunal), in the heading and in subsections (1) and (2) for "Tribunal" substitute "First-tier Tribunal".

37. In section 89 (disciplinary charge upheld by the Tribunal), in the heading and in subsections (1) to (9) in each place for "Tribunal" substitute "First-tier Tribunal".

38. In section 91(2)(a) (definition of "restraining order") for "Tribunal" substitute "First-tier Tribunal".

39. In section 93(1)(b) (information) for "Tribunal" substitute "First-tier Tribunal".

(**a**) 1999 c.33. Section 89(2) was substituted by section 37(3)(a) of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (c. 19). Schedule 7 was amended by paragraph 32 of Schedule 10 to the Tribunals, Courts and Enforcement Act 2007 (c. 15) and by paragraph 285 of Schedule 4 and paragraph 5 of Schedule 11 to the Constitutional Reform Act 2005 (c. 4).

40. In Part 1 of Schedule 5 (the Immigration Services Commissioner: regulatory functions), in paragraph 9(1)(e), (2)(a) and (3) for "Tribunal" substitute "First-tier Tribunal".

41. In Schedule 6 (registration), in paragraphs 3(7)(a) and 6(3)(b) for "Tribunal" substitute "First-tier Tribunal".

42. Omit Schedule 7 (the Immigration Services Tribunal).

Financial Services and Markets Act 2000

43. The Financial Services and Markets Act 2000(**a**) is amended as follows.

44. Omit section 132 (the Financial Services and Markets Tribunal).

45. For section 133 (proceedings: general provision) substitute—

"**133 Proceedings before Tribunal: general provision**

(1) This section applies in the case of a reference or appeal to the Tribunal (whether made under this or any other Act) in respect of—

(a) a decision of the Authority;

(b) a decision of the Bank of England; or

(c) a decision of a person relating to the assessment of any compensation or consideration under the Banking (Special Provisions) Act 2008(**b**) or the Banking Act 2009(**c**).

(2) In this section—

"relevant decision" means a decision mentioned in subsection (1)(a), (b) or (c); and

"the decision-maker", in relation to a relevant decision, means the person who made the relevant decision.

(3) Tribunal Procedure Rules may make provision for the suspension of a relevant decision which has taken effect, pending determination of the reference or appeal.

(4) The Tribunal may consider any evidence relating to the subject-matter of the reference or appeal, whether or not it was available to the decision-maker at the material time.

(5) The Tribunal must determine what (if any) is the appropriate action for the decision-maker to take in relation to the matter referred or appealed to it.

(6) On determining the reference or appeal, the Tribunal must remit the matter to the decision-maker with such directions (if any) as the Tribunal considers appropriate for giving effect to its determination.

(7) The decision-maker must act in accordance with the determination of, and any direction given by, the Tribunal.

(8) An order of the Tribunal may be enforced—

(a) as if it were an order of a county court; or

(b) in Scotland, as if it were an order of the Court of Session.

133A Proceedings before Tribunal: decision and supervisory notices, etc.

(1) In determining a reference made (whether under this or any other Act) as a result of a decision notice given by the Authority, the Tribunal may not direct the Authority to take

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(**a**) 2000 c. 8. Schedule 13 was amended by paragraph 286 of Schedule 4 and paragraph 5 of Schedule 11 to the Constitutional Reform Act 2005 (c. 4) and paragraph 34 of Schedule 10 to the Tribunals, Courts and Enforcement Act 2007 (c. 15).
(**b**) 2008 c. 2.
(**c**) 2009 c. 1.

action which the Authority would not, as a result of section 388(2), have had power to take when giving the notice.

(2) In determining a reference made as a result of a supervisory notice given by the Authority, the Tribunal may not direct the Authority to take action which would have otherwise required the giving of a decision notice.

(3) In subsection (2) "supervisory notice" has the same meaning as in section 395.

(4) The Authority must not take the action specified in a decision notice—

(a) during the period within which the matter to which the notice relates may be referred to the Tribunal (whether under this or any other Act); and

(b) if the matter is so referred, until the reference, and any appeal against the Tribunal's determination, has been finally disposed of.

(5) The Tribunal may, on determining a reference (whether made under this or any other Act) in respect of a decision of the Authority, make recommendations as to the Authority's regulating provisions or its procedures.

133B Offences

(1) This section applies in the case of proceedings before the Tribunal in respect of—

(a) a decision of the Authority;

(b) a decision of the Bank of England; or

(c) a decision of a person relating to the assessment of any compensation or consideration under the Banking (Special Provisions) Act 2008(**a**) or the Banking Act 2009(**b**).

(2) A person is guilty of an offence if that person, without reasonable excuse—

(a) refuses or fails—

(i) to attend following the issue of a summons by the Tribunal; or

(ii) to give evidence; or

(b) alters, suppresses, conceals or destroys, or refuses to produce a document which he may be required to produce for the purposes of proceedings before the Tribunal.

(3) A person guilty of an offence under subsection (2)(a) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(4) A person guilty of an offence under subsection (2)(b) is liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum;

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both."

46. Omit section 137 (appeal on a point of law) and the italic cross-heading immediately before it.

47. In section 390 (final notices)—

(a) in subsection (1) for "period mentioned in section 133(1)" substitute "time required by Tribunal Procedure Rules"; and

(b) in subsection (2) for paragraph (b) substitute—

"(b) a court on an appeal against the decision of the Tribunal,".

48. In section 417 (definitions) in the appropriate place insert—

""the Tribunal" means the Upper Tribunal;".

(**a**) 2008 c. 2.
(**b**) 2009 c. 1.

49. Omit Schedule 13 (the Financial Services and Markets Tribunal).

Local Government Act 2000

50. The Local Government Act 2000(**a**) is amended as follows.

51. In section 59(4)(d) (functions of ethical standards officers) for the words "president of the Adjudication Panel" to the end substitute "First-tier Tribunal for adjudication.".

52. In section 63(1)(a) (restrictions on disclosure of information) for "or the president, deputy president or any tribunal of either of the Adjudication Panels" substitute ", the First-tier Tribunal or the president, deputy president or any tribunal of the Adjudication Panel for Wales".

53. In section 64(3) (reports etc by ethical standards officers)—

(a) in paragraph (b) for the words from "president of the Adjudication Panel for England" to the end substitute "First-tier Tribunal for adjudication,"; and

(b) in paragraph (c) for "president of the Adjudication Panel for England" substitute "First-tier Tribunal".

54. In section 65 (interim reports)—

(a) in subsection (4) for the words from "president of the Adjudication Panel for England" to the end substitute "First-tier Tribunal for adjudication."; and

(b) in subsection (5)(c) for "president of the Adjudication Panel for England" substitute "First-tier Tribunal".

55. In section 66A (references to adjudication panel for action in respect of misconduct)—

(a) in the heading for "Adjudication Panel" substitute "First-tier Tribunal";

(b) in subsection (1)—

(i) in paragraph (a) for "president of the Adjudication Panel for England for a decision by members of that Panel" substitute "First-tier Tribunal for a decision";

(ii) omit paragraph (b);

(iii) in paragraph (c)—

(aa) for "those members ("the panel")" substitute "the First-tier Tribunal"; and

(bb) for "them" substitute "the tribunal"; and

(iv) omit paragraphs (d) and (e); and

(c) in subsection (2) for "a tribunal" substitute "the First-tier Tribunal".

56. For the italic cross-heading before section 75 substitute "The Adjudication Panel for Wales".

57. In section 75 (Adjudication Panels)—

(a) for the heading substitute "Adjudication Panel for Wales"; and

(b) omit subsections (1), (3), (4), (7), (9) and (11).

58. In section 76 (case tribunals and interim case tribunals)—

(a) in subsection (1)—

(i) for "relevant Adjudication Panel" substitute "Adjudication Panel for Wales"; and

(ii) omit "64(3) or";

(b) in subsection (2)—

(**a**) 2000 c.22. Section 63(1)(a) was amended by paragraph 6 of Schedule 4 to the Public Services Ombudsman (Wales) Act 2005 (c. 10). Sections 66A, 78(2) and (3), 78A and 78B were inserted by sections 195, 197(1) and (3) and 198 of the Local Government and Public Involvement in Health Act 2007 (c. 28). Section 76 was amended by paragraph 291 of Schedule 4 to the Constitutional Reform Act 2005 (c. 4).

(i) for "relevant Adjudication Panel" substitute "Adjudication Panel for Wales"; and

(ii) omit "65(4) or";

(c) in subsection (3) for "relevant Adjudication Panel" substitute "Adjudication Panel for Wales";

(d) in subsection (4)—

(i) for "relevant Adjudication Panel" substitute "Adjudication Panel for Wales"; and

(ii) omit "64(3) or";

(e) in subsection (5)—

(i) for "relevant Adjudication Panel" substitute "Adjudication Panel for Wales"; and

(ii) omit "65(4) or";

(f) in subsections (6), (7) and (8) for "relevant Adjudication Panel" substitute "Adjudication Panel for Wales";

(g) in subsection (9)—

(i) for "relevant Adjudication Panel" substitute "Adjudication Panel for Wales"; and

(ii) omit "the Lord Chief Justice or (as the case may require)";

(h) omit subsection (9A);

(i) in subsection (10) omit "59 or"; and

(j) omit subsections (11), (12) and (15).

59. In section 77 (adjudications)—

(a) omit subsections (2) and (3); and

(b) in subsection (7) after "(6)(a) or (b)" insert ", or with any corresponding requirement imposed by Tribunal Procedure Rules in relation to proceedings under this Act before the First-tier Tribunal,".

60. In section 78 (decisions of interim case tribunals)—

(a) in the heading after "Decisions of" insert "the First-tier Tribunal or";

(b) in subsection (1) for the words from the beginning to "an interim report" substitute "In adjudicating on any of the matters which are the subject of an interim report, the First-tier Tribunal or an interim case tribunal";

(c) in subsections (2) and (3) for "the interim case tribunal" insert "the tribunal concerned";

(d) in subsection (4) for "an interim case tribunal" substitute "the First-tier Tribunal";

(e) in subsection (9) at the beginning insert "The First-tier Tribunal or (as the case may be)";

(f) after that subsection insert—

"(9A) Where a person is suspended or partially suspended under this section by a decision of the First-tier Tribunal, the person may appeal to the Upper Tribunal—

(a) against the suspension or partial suspension; or

(b) against the length of the suspension or partial suspension,

(unless the decision is set aside under section 9 of the Tribunals, Courts and Enforcement Act 2007).

(9B) An appeal may not be brought under subsection (9A) on a point of law (as to which see instead section 11 of the Tribunals, Courts and Enforcement Act 2007).

(9C) An appeal may be brought under subsection (9A) only if, on an application made by the person concerned, the First-tier Tribunal or Upper Tribunal has given its permission for the appeal to be brought.

(9D) In any case where the Upper Tribunal is determining an appeal under subsection (9A), section 12(2) to (4) of the Tribunals, Courts and Enforcement Act 2007 (proceedings on appeal to the Upper Tribunal) apply."; and

(g) in subsection (10) for the words from the beginning to "section" substitute "Where a person is suspended or partially suspended under this section by a decision of an interim case tribunal, the person".

61. In section 78A (decisions of case tribunals: England)—

(a) in the heading for "case tribunals: England" substitute "First-tier Tribunal";

(b) omit subsection (1);

(c) in subsection (2) for the words from the beginning to "on any matter" substitute "Where the First-tier Tribunal adjudicates on any matter under this Act, it";

(d) in subsections (3) and (4) for "an English case tribunal" substitute "the tribunal"; and

(e) in subsection (7) for "an English case tribunal" substitute "the First-tier Tribunal".

62. In section 78B (English case tribunal decisions: supplementary)—

(a) in the heading for "English case tribunal decisions:" substitute "Section 78A:";

(b) in subsection (3) for "an English case tribunal adjudicates on any matter" substitute "the First-tier Tribunal adjudicates on any matter under this Act";

(c) in subsection (4)—

(i) for "an English case tribunal" substitute "the First-tier Tribunal";

(ii) for "the High Court" substitute "the Upper Tribunal"; and

(iii) at the end insert "(unless the decision is set aside under section 9 of the Tribunals, Courts and Enforcement Act 2007)"; and

(d) for subsection (5) substitute—

"(5) An appeal may not be brought under subsection (4) on a point of law (as to which see instead section 11 of the Tribunals, Courts and Enforcement Act 2007).

(6) An appeal may be brought under subsection (4) only if, on an application made by the person concerned, the First-tier Tribunal or Upper Tribunal has given its permission for the appeal to be brought.

(7) In any case where the Upper Tribunal is determining an appeal under subsection (4), section 12(2) to (4) of the Tribunals, Courts and Enforcement Act 2007 (proceedings on appeal to the Upper Tribunal) apply.".

63. In section 80 (recommendations by case tribunals)—

(a) in the heading after "Recommendations by" insert "First-tier Tribunal or";

(b) in subsection (1) for the words from the beginning to "on any matter" substitute "Where the First-tier Tribunal or a case tribunal has adjudicated on any matter under this Act, it"; and

(c) in subsection (2) for "A case tribunal" insert "The tribunal concerned".

64. In section 83 (interpretation of Part 3) omit the definition of "the relevant Adjudication Panel".

65. In Schedule 4 (the Standards Board for England)—

(a) in paragraph 2(1)(c) for the words from "president," to the end substitute "First-tier Tribunal under this Act,";

(b) omit paragraph 6(4) and (5); and

(c) omit paragraph 8.

Freedom of Information Act 2000

66. The Freedom of Information Act 2000(**a**) is amended as follows.

67. In the italic cross-heading preceding section 18 (the Information Commissioner and the Information Tribunal) omit "and the Information Tribunal".

68. In section 18 (the Information Commissioner and the Information Tribunal)—

(a) in the heading omit "and the Information Tribunal";

(b) omit subsection (2); and

(c) omit subsection (3)(b) (and the "and" immediately preceding it).

69. Omit section 59 (appeals from decision of tribunal).

70. In section 61 (appeal proceedings) for subsections (1) and (2) substitute—

"The provisions of Schedule 6 to the Data Protection Act 1998 have effect (so far as applicable) in relation to appeals under this Part.".

71. In section 84 (interpretation) for the definition of "the Tribunal" substitute—

""the Tribunal", in relation to any appeal under this Act, means—

(a) the Upper Tribunal, in any case where it is determined by or under Tribunal Procedure Rules that the Upper Tribunal is to hear the appeal; or

(b) the First-tier Tribunal, in any other case;".

72. Omit Schedule 4 (appeal proceedings).

Commonhold and Leasehold Reform Act 2002

73. In section 175 of the Commonhold and Leasehold Reform Act 2002(**b**) (appeals) omit subsections (6) and (7).

Pensions Act 2004

74. The Pensions Act 2004(**c**) is amended as follows.

75. In section 96 (standard procedure)—

(a) in subsection (3) omit "(see section 102)";

(b) in subsection (5)(a) omit "(see section 103(1))"; and

(c) at the end insert—

"(7) In this section "the Tribunal", in relation to any reference under subsection (3), means—

(a) the First-tier Tribunal, in any case where it is determined by or under Tribunal Procedure Rules that the First-tier Tribunal is to hear the reference;

(b) the Upper Tribunal, in any other case.".

76. In section 99 (compulsory review)—

(**a**) 2000 c. 36.

(**b**) 2002 c.15. Section 175 was amended by paragraph 269 of Schedule 1 to the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307).

(**c**) 2004 c. 35. Section 103(1A) was inserted, and sections 102(2) and 103(2) and Schedule 4 were amended, by section 44(5) to (9) of the Pensions Act 2008 (c. 30). Schedule 4 was also amended by paragraph 5 of Schedule 11 to the Constitutional Reform Act 2005 (c. 4), paragraph 40 of Part 1 of Schedule 10 to the Tribunals, Courts and Enforcement Act 2007 (c. 15) and paragraphs 25 to 28 of Schedule 1 to the Lord Chancellor (Transfer of Functions and Supplementary Provisions) (No.2) Order 2006 (S.I. 2006/1016).

(a) in subsection (7) omit "(see section 102)";

(b) in subsection (8)(a) omit "(see section 103(1))"; and

(c) at the end insert—

"(13) In this section "the Tribunal", in relation to any reference under subsection (7), means—

(a) the First-tier Tribunal, in any case where it is determined by or under Tribunal Procedure Rules that the First-tier Tribunal is to hear the reference;

(b) the Upper Tribunal, in any other case.".

77. For the cross-heading preceding section 102 (the Pensions Regulator Tribunal) substitute "*References to a tribunal*".

78. Omit section 102 (the Pensions Regulator Tribunal).

79. After section 102 insert—

"**102A Offences**

(1) This section applies in respect of proceedings before a tribunal in relation to a decision of the Regulator.

(2) A person is guilty of an offence if that person, without reasonable excuse, refuses or fails—

(a) to attend following the issue of a summons by the tribunal; or

(b) to give evidence.

(3) A person guilty of an offence under subsection (2) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(4) A person is guilty of an offence if that person, without reasonable excuse—

(a) alters, suppresses, conceals or destroys a document which that person is or is liable to be required to produce for the purposes of proceedings before the tribunal; or

(b) refuses to produce a document when so required.

(5) A person guilty of an offence under subsection (4) is liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum;

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both.

(6) In this section "document" includes information recorded in any form and, in relation to information recorded otherwise than in a legible form, references to its production include references to producing a copy of the information in a legible form, or in a form from which it can readily be produced in a legible form.".

80. In section 103 (references to the Tribunal)—

(a) in the heading for "to the Tribunal" substitute "in relation to decisions of Regulator";

(b) omit subsections (1) to (2);

(c) after subsection (2) insert—

"(2A) This section applies to references to a tribunal in relation to a decision of the Regulator.";

(d) in subsection (3) for "the Tribunal" substitute "the tribunal concerned";

(e) in subsections (4) and (5)—

(i) for "the Tribunal" (in the first place) substitute "the tribunal concerned"; and

(ii) for "the Tribunal" (in the second place) substitute "it"; and

(f) in subsections (6)(d) and (7) to (9) for "Tribunal" substitute "tribunal concerned".

81. Omit section 104 (appeal on a point of law).

82. Omit section 105 (redetermination etc by the Tribunal).

83. In section 106(1) (legal assistance scheme) for "the Tribunal" substitute "a tribunal in relation to a decision of the Regulator".

84. In section 310(4) (admissibility of statements) after paragraph (n) insert—

"(o) Tribunal Procedure Rules so far as applying to decisions of the Regulator;".

85. In section 318(1) (general interpretation) omit the definition of "the Tribunal".

86. In paragraph 44(b)(ii) of Schedule 2 (the reserved regulatory functions — functions under this Act) for "the Tribunal" substitute "a tribunal".

87. In Schedule 3 (restricted information held by the Regulator: certain permitted disclosures to facilitate exercise of functions) after the entry for the Pensions Regulator Tribunal insert—

"The First-tier Tribunal	Functions relating to decisions of the Regulator
The Upper Tribunal	Functions relating to decisions of the Regulator".

88. Omit Schedule 4 (the Pensions Regulator Tribunal).

89. In Schedule 8 (restricted information held by the Board: certain permitted disclosures to facilitate exercise of functions) after the entry for the Pensions Regulator Tribunal insert—

"The First-tier Tribunal	Functions relating to decisions of the Regulator
The Upper Tribunal	Functions relating to decisions of the Regulator".

Constitutional Reform Act 2005

90. The Constitutional Reform Act 2005(**a**) is amended as follows.

91. In paragraph 4 of Schedule 7 (protected functions of the Lord Chancellor) omit the entry relating to the National Health Service Act 2006.

92. In Part 3 of Schedule 14 (appointments by the Lord Chancellor: offices to which paragraph 2(2)(d) of Schedule 12 applies) omit the entries relating to—

(a) the President of the Family Health Services Appeal Authority;

(b) the Deputy President of the Family Health Services Appeal Authority;

(c) a member of the Family Health Services Appeal Authority;

(d) the chairman of the Information Tribunal;

(e) a deputy chairman of the Information Tribunal;

(f) a member of the Immigration Services Tribunal;

(g) the President of the Immigration Services Tribunal;

(h) the President of the Financial Services and Markets Tribunal;

(i) the Deputy President of the Financial Services and Markets Tribunal;

(j) any member of panel of chairmen of the Financial Services and Markets Tribunal;

(k) any member of lay panel of the Financial Services and Markets Tribunal;

(l) a member of the Adjudication Panel for England;

(**a**) 2005 c.4. The entry omitted from paragraph 4 of Schedule 7 was inserted by paragraph 273 of Schedule 1 to the National Health Service Act (Consequential Provisions Act) 2006 (c. 43). The entries relating to the Gambling Appeals Tribunal omitted from Schedule 14 were inserted by article 2 of the Judicial Appointments and Discipline (Modification of Offices) (No 2) Order 2006 (S.I. 2006/1551). The entries relating to the Family Health Services Appeal Authority omitted from Schedule 14 were inserted by paragraph 274 of Schedule 1 to the National Health Service Act (Consequential Provisions Act) 2006.

(m) the President of the Adjudication Panel for England;

(n) the Deputy President of the Adjudication Panel for England;

(o) the President of the Gambling Appeals Tribunal; and

(p) a member of the Gambling Appeals Tribunal.

Gambling Act 2005

93. The Gambling Act 2005(**a**) is amended as follows.

94. For section 140 (the Gambling Appeals Tribunal) substitute—

"140 Definition of "the Tribunal"

In this Part "the Tribunal" means the First-tier Tribunal.".

95. Omit section 142 (timing).

96. Omit section 143 (appeal from tribunal).

97. In section 144(2) (powers of tribunal) for "section 142(2)" substitute "Tribunal Procedure Rules".

98. In section 145(1)(a) (stay pending appeal) for "section 142(2)" substitute "Tribunal Procedure Rules".

99. In section 146 (rules)—

(a) for the heading substitute "Tribunal Procedure Rules";

(b) for subsection (1) substitute—

"(1) Tribunal Procedure Rules may make provision—

(a) regulating the exercise of a right of appeal under this Act to the Tribunal;

(b) for the suspension by the Tribunal of decisions of the Commission (whether or not they have already taken effect).";

(c) omit subsection (2); and

(d) in subsection (3) for "Rules under this section may, in particular," substitute "In the case of proceedings before the Tribunal under this Act, Tribunal Procedure Rules may".

100. Omit section 147 (fees).

101. In section 148 (legal assistance) omit subsection (2)(c) and (d).

102. Omit section 149 (enforcement of costs orders).

103. In section 337(1) (section 336: supplementary)—

(a) for "Gambling Appeals Tribunal" substitute "First-tier Tribunal"; and

(b) omit paragraphs (a), (b), (f) and (g).

104. In Part 1 of Schedule 6 (persons and bodies with functions under this Act) for "The Gambling Appeals Tribunal" substitute "The First-tier Tribunal".

105. Omit Schedule 8 (Gambling Appeals Tribunal).

(**a**) 2005 c.19. Paragraphs 2 and 3 of Schedule 8 were amended by paragraph 43 of Schedule 10 to the Tribunals, Courts and Enforcement Act 2007 (2007 c.15). Paragraphs 3(3A) to (3D) of Schedule 8 were inserted by paragraph 39 of Schedule 1 to the Lord Chancellor (Transfer of Functions and Supplementary Provisions) (No 2) Order 2006 (S.I. 2006/1016).

Compensation Act 2006

106. The Compensation Act 2006(**a**) is amended as follows.

107. Omit section 12 (the Claims Management Services Tribunal).

108. In section 13 (appeals and references to tribunal)—

(a) in subsection (1) for "Claims Management Services Tribunal" substitute "First-tier Tribunal ("the Tribunal")";

(b) after subsection (3) insert—

"(3A) In the case of appeals under subsection (1), Tribunal Procedure Rules—

(a) shall include provision for the suspension of decisions of the Regulator while an appeal could be brought or is pending;

(b) shall include provision about the making of interim orders;

(c) shall enable the Tribunal to suspend or further suspend (wholly or partly) the effect of a decision of the Regulator;

(d) shall permit the Regulator to apply for the termination of the suspension of a decision made by the Regulator."; and

(c) omit subsection (4).

National Health Service Act 2006

109. The National Health Service Act 2006(**b**) is amended as follows.

110. In section 119(1) and (2)(a) (exclusion of contractors) for "FHSAA" substitute "First-tier Tribunal".

111. In section 130(2) (regulations under section 129: appeals, etc) for "FHSAA" substitute "First-tier Tribunal".

112. In section 132(5) (persons authorised to provide pharmaceutical services) for "FHSAA" substitute "First-tier Tribunal".

113. In section 148(4) and (5) (conditional inclusion in pharmaceutical lists) for "FHSAA" substitute "First-tier Tribunal".

114. In section 149(8) and (9) (supplementary lists) for "FHSAA" substitute "First-tier Tribunal".

115. In section 154(6)(b) and (c), (7) and (8) (suspension) for "FHSAA", in each place, substitute "First-tier Tribunal".

116. In section 155(4) and (6) (suspension pending appeal) for "FHSAA" substitute "First-tier Tribunal".

117. In section 157(1) (review of decisions) for "FHSAA" substitute "First-tier Tribunal".

118. In section 158 (appeals)—

(a) in subsection (1)—

(i) for "FHSAA" substitute "First-tier Tribunal"; and

(ii) omit the words from "by giving notice" to the end; and

(**a**) 2006 c. 29. Section 13(4) was amended by paragraph 9 of Schedule 19 to the Legal Services Act 2007 (c. 29).
(**b**) 2006 c.41. Schedule 13 was amended by paragraph 44 of Schedule 10 to the Tribunals, Courts and Enforcement Act 2007 (c. 15).

(b) in subsections (4), (5), (6)(b) and (7) for "FHSAA", in each place, substitute "First-tier Tribunal".

119. In section 159 (national disqualification)—

(a) in subsections (1) to (4), (6) and (7) for "FHSAA", in each place, substitute "First-tier Tribunal"; and

(b) in subsection (8)(b) for "FHSAA's" substitute "First-tier Tribunal's".

120. For the heading for Part 8 (FAMILY HEALTH SERVICES APPEAL AUTHORITY) substitute "APPEALS TO FIRST-TIER TRIBUNAL".

121. In section 169 (FHSAA)—

(a) for the heading substitute "Appeals to the First-tier Tribunal";

(b) omit subsections (1) and (2);

(c) in subsection (3) for "FHSAA" substitute "First-tier Tribunal"; and

(d) omit subsections (4) and (5).

122. Omit section 170 (FHSAA: financial provisions).

123. Omit section 171 (conditions of use of services of persons under section 169).

124. In section 181(6) and (8) (section 180: supplementary) for "FHSAA" substitute "First-tier Tribunal".

125. In section 271(3) (territorial extent) for paragraph (c) substitute—

"(c) section 169(3) (power of the Secretary of State to direct that the First-tier Tribunal exercise functions in relation to appeals),".

126. In section 273(4) (further provision about orders and directions under this Act)—

(a) in paragraph (b)(ii) after "section" insert "169(3) or"; and

(b) in paragraph (c)(ii) for ",120 or 169(3)" substitute "or 120".

127. In section 275(1) (interpretation) omit the definition of "the FHSAA".

128. Omit Schedule 13 (the FHSAA).

National Health Service (Wales) Act 2006

129. The National Health Service (Wales) Act 2006(**a**) is amended as follows.

130. In section 72(4) (regulations as to general ophthalmic services) for "FHSAA" substitute "First-tier Tribunal".

131. In section 84(2) (regulations under section 83: appeals, etc) for "FHSAA" substitute "First-tier Tribunal".

132. In section 86(5) (persons authorised to provide pharmaceutical services) for "FHSAA" substitute "First-tier Tribunal".

133. In section 104(4) and (5) (conditional inclusion in ophthalmic and pharmaceutical lists) for "FHSAA" substitute "First-tier Tribunal".

134. In section 105(8) and (9) (supplementary lists) for "FHSAA" substitute "First-tier Tribunal".

(**a**) 2006 c.42.

135. In section 110(6)(b) and (c), (7) and (8) (suspension) for "FHSAA", in each place, substitute "First-tier Tribunal".

136. In section 111(4) and (6) (suspension pending appeal) for "FHSAA" substitute "First-tier Tribunal".

137. In section 113(1) (review of decisions) for "FHSAA" substitute "First-tier Tribunal".

138. In section 114 (appeals)—

(a) in subsection (1)—

(i) for "FHSAA" substitute "First-tier Tribunal"; and

(ii) omit the words from "by giving notice" to the end; and

(b) in subsections (4), (5), (6)(b) and (7) for "FHSAA", in each place, substitute "First-tier Tribunal".

139. In section 115 (national disqualification)—

(a) in subsections (1) to (4), (6) and (7) for "FHSAA", in each place, substitute "First-tier Tribunal"; and

(b) in subsection (8)(b) for "FHSAA's" substitute "First-tier Tribunal's".

140. In section 206(1) (interpretation) omit the definition of "the FHSAA".

Companies Act 2006

141. The Companies Act 2006(**a**) is amended as follows.

142. In Part A of Part 2 of Schedule 2 (specified descriptions of disclosures for the purposes of section 948 – United Kingdom)—

(a) for paragraph 49 substitute—

"**49.** A disclosure with a view to the institution of, or otherwise for the purposes of, proceedings before the Upper Tribunal in respect of—

(a) a decision of the Financial Services Authority;

(b) a decision of the Bank of England; or

(c) a decision of a person relating to the assessment of any compensation or consideration under the Banking (Special Provisions) Act 2008(**b**) or the Banking Act 2009(**c**).."; and

(b) in paragraph 50 for "the Pensions Regulator Tribunal" substitute "a tribunal in relation to a decision of the Pensions Regulator".

143. In Schedule 11A (specified persons, descriptions, disclosures, etc. for the purposes of section 1224A)—

(a) for paragraph 71 substitute—

"**71.** A disclosure with a view to the institution of, or otherwise for the purposes of, proceedings before the Upper Tribunal in respect of—

(a) a decision of the Financial Services Authority;

(b) a decision of the Bank of England; or

(**a**) 2006 c. 46. Schedule 2 was substituted by the Companies Act 2006 (Amendment of Schedule 2) (No. 2) Order 2009 (S.I. 2009/1208). Schedule 11A was inserted by regulation 8(2) of, and the Schedule to, the Statutory Auditors and Third Country Auditors Regulations 2007 (S.I. 2007/3494).

(**b**) 2008 c. 2.

(**c**) 2009 c. 1.

(c) a decision of a person relating to the assessment of any compensation or consideration under the Banking (Special Provisions) Act 2008(**a**) or the Banking Act 2009(**b**).”; and

(b) in paragraph 73 for “the Pensions Regulator Tribunal” substitute “a tribunal in relation to a decision of the Pensions Regulator”.

Banking (Special Provisions) Act 2008

144. In section 9(1) of the Banking (Special Provisions) Act 2008(**c**) (supplementary provision about compensation schemes etc.)—

(a) in paragraphs (e) and (f) for “Financial Services and Markets Tribunal” substitute “Upper Tribunal”; and

(b) in paragraph (g) for “relevant tribunal” insert “tribunal appointed by the Treasury for the purposes of the order”.

Counter-Terrorism Act 2008

145. In paragraph 28 of Schedule 7 to the Counter-Terrorism Act 2008(**d**) (terrorist financing and money laundering) omit sub-paragraphs (6) to (8).

Pensions Act 2008

146. The Pensions Act 2008(**e**) is amended as follows.

147. In section 40(5)(g) (fixed penalty notices) for “the Pensions Regulator Tribunal” substitute “a tribunal”.

148. In section 41(2)(b) and (6)(f) (escalating penalty notices) for “the Pensions Regulator Tribunal” substitute “a tribunal”.

149. In section 44 (references to the Pensions Regulator Tribunal)—

(a) in the heading for “the Pensions Regulator Tribunal” substitute “First-tier Tribunal or Upper Tribunal”;

(b) in subsections (1) and (3) for “the Pensions Regulator Tribunal” substitute “the Tribunal”; and

(c) after subsection (4) insert—

“(4A) In this section “the Tribunal”, in relation to a reference under this section, means—

(a) the Upper Tribunal, in any case where it is determined by or under Tribunal Procedure Rules that the Upper Tribunal is to hear the reference;

(b) the First-tier Tribunal, in any other case.”.

150. In section 53 (review of notices and references to Pensions Regulator Tribunal) in the heading and in subsection (2) for “Pensions Regulator Tribunal” substitute “First-tier Tribunal or Upper Tribunal”.

Banking Act 2009

151. In section 202 of the Banking Act 2009(**f**) (appeal)—

(**a**) 2008 c. 2.
(**b**) 2009 c. 1.
(**c**) 2008 c. 2.
(**d**) 2008 c. 28.
(**e**) 2008 c. 30.
(**f**) 2009 c. 1.

(a) in subsections (1) and (2) for "Financial Services and Markets Tribunal" substitute "Upper Tribunal"; and

(b) for subsection (3) substitute—

"(3) The Bank of England may not impose a sanction while an appeal under this section could be brought or is pending.".

SCHEDULE 3

Article 5(2)

Consequential amendments to secondary legislation

National Health Service (General Ophthalmic Services) Regulations 1986

1. The National Health Service (General Ophthalmic Services) Regulations 1986(**a**) are amended as follows.

2. In regulation 2(1) (interpretation), in the definition of "a national disqualification", in sub-paragraph (a) for "FHSAA" substitute "First-tier Tribunal".

3. In regulation 7B(1)(f), (g), (j) and (k) (deferment of decision) for "FHSAA" substitute "First-tier Tribunal".

4. In regulation 7C and the heading (appeal to the FHSAA) for "FHSAA" substitute "First-tier Tribunal".

5. In regulation 7D(8) to (10), (12) and (19) (conditional inclusion) for "FHSAA" substitute "First-tier Tribunal".

6. In regulation 9D as it applies to England (notifications by Primary Care Trust), in paragraphs (6) and (8) for "FHSAA" substitute "First-tier Tribunal".

7. In regulation 9D as it applies to Wales (notifications by Health Authorities), in paragraphs (7) and (9) for "FHSAA" substitute "First-tier Tribunal".

8. In regulation 9E(2) (procedure on removal) for "FHSAA" substitute "First-tier Tribunal".

9. In regulation 9H(1) (national disqualification) for "FHSAA", in each place, substitute "First-tier Tribunal".

National Health Service (Optical Charges and Payments) Regulations 1997

10. The National Health Service (Optical Charges and Payments) Regulations 1997(**b**) are amended as follows.

11. In regulation 19A (notice as to cessation of payments)—

(a) in paragraphs (4), (7)(a) and (b), (8), (9) and (12) for "FHSAA" substitute "First-tier Tribunal"; and

(b) omit paragraph (13)(a).

12. In regulation 19B(5) (reviews) for the words from "FHSAA" to the end substitute "First-tier Tribunal.".

13. In regulation 19C (reviews of stop orders)—

(**a**) S.I. 1986/975. Amended by the National Health Service (General Ophthalmic Services) Amendment (No 2) Regulations 2001 (S.I. 2001/3739), the National Health Service (General Ophthalmic Services) Amendment Regulations 2002 (S.I. 2002/601), the National Health Service (General Ophthalmic Services) Amendment (Wales) Regulations 2002 (S.I. 2002/1883 (W. 192)) and the National Health Service (General Ophthalmic Services Supplementary List) and (General Ophthalmic Services) (Amendment and Consequential Amendment) (Wales) Regulations 2006 (S.I. 2006/181 (W. 32)). The Regulations were revoked in relation to England, with transitional provisions, by Schedule 2 to the Primary Ophthalmic Services Amendment, Transitional and Consequential Provisions Regulations 2008 (S.I.2008/1700).

(**b**) S.I. 1997/818. Regulations 19A to 19C were inserted by regulation 3 of the National Health Service (Optical Charges and Payments) Amendment (No 2) Regulations 2008 (S.I. 2008/1657).

(a) in paragraphs (1), (3) and (4) for "FHSAA", in each place, substitute "First-tier Tribunal"; and

(b) in paragraph (2)(b) for "FHSAA's" substitute "First-tier Tribunal's".

National Institute for Clinical Excellence Regulations 1999

14. In regulation 1(2) of the National Institute for Clinical Excellence Regulations 1999(**a**) (interpretation), in the definition of "national NHS disqualification", in sub-paragraphs (a) and (b) for "FHSAA" substitute "First-tier Tribunal".

Primary Care Trusts (Membership, Procedure and Administrative Arrangements) Regulations 2000

15. In regulation 5(1)(da)(i) of the Primary Care Trusts (Membership, Procedure and Administrative Arrangements) Regulations 2000(**b**) (disqualification for appointment: chairman and non-officer members) for the words from "Family Health Services Appeal Authority" to the end, substitute "First-tier Tribunal,".

Open-Ended Investment Companies Regulations 2001

16. The Open-Ended Investment Companies Regulations 2001(**c**) are amended as follows.

17. In regulation 2(1) (interpretation) omit the definition of "the Tribunal".

18. Omit regulation 11 (the Tribunal).

19. In regulation 16(2)(b) (representations against refusal of authorisation) for "Tribunal" substitute "Upper Tribunal".

20. In regulation 22(4)(b) (procedure when refusing approval of proposed changes) for "Tribunal" substitute "Upper Tribunal".

21. In regulation 24(2) (procedure) for "Tribunal" substitute "Upper Tribunal".

22. In regulation 27(4)(d) and (e), (10) and (12) (procedure on giving directions under regulation 25 and varying them on Authority's own initiative) for "Tribunal" substitute "Upper Tribunal".

23. In regulation 28(2)(b) (procedure: refusal to revoke or vary direction) for "Tribunal" substitute "Upper Tribunal".

Criminal Defence Service (General) (No.2) Regulations 2001

24. The Criminal Defence Service (General) (No.2) Regulations 2001(**d**) are amended as follows.

25. In regulation 2 (interpretation) omit the definition of "the Financial Services and Markets Tribunal".

26. For regulation 3(2)(h) (criminal proceedings) substitute—

(**a**) S.I. 1999/260. The definition of "the FHSAA" and "national NHS disqualification" were inserted by regulation 2(a) of the National Institute for Clinical Excellence (Amendment) Regulations 2005 (S.I. 2005/498).

(**b**) S.I. 2000/89. Regulation 5(1)(da) was inserted by regulation 3(2)(c) of the Primary Care Trusts (Membership, Procedure and Administrative Arrangements) Amendment (England) Regulations 2003 (S.I. 2003/1616).

(**c**) S.I. 2001/1228.

(**d**) S.I. 2001/1437. The definition of "the Financial Services and Services Markets Tribunal in regulation 2 and regulations 3(2)(h) and 13(1)(c) were inserted by regulations 4(b), 5 and 11(2) of the Criminal Defence Service (General) (No.2) (Amendment) Regulations 2002 (S.I. 2002/712). Regulation 3(2)(h) was amended by regulation 5(1) of the Criminal Defence Service (General) (No.2) (Amendment) Regulations 2005 (S.I. 2005/2784).

"(h) proceedings under section 13 of the Tribunals, Courts and Enquiries Act 2007 (c. 15) on appeal against a decision of the Upper Tribunal in proceedings in respect of—

(i) a decision of the Financial Services Authority;

(ii) a decision of the Bank of England; or

(iii) a decision of a person relating to the assessment of any compensation or consideration under the Banking (Special Provisions) Act 2008(**a**) or the Banking Act 2009(**b**);".

27. For regulation 13(1)(c) (representation in the Crown Court, Court of Appeal and House of Lords) substitute—

"(c) the representatives of the assisted person before the Court of Appeal in an appeal against a decision of the Upper Tribunal in proceedings in respect of—

(i) a decision of the Financial Services Authority;

(ii) a decision of the Bank of England; or

(iii) a decision of a person relating to the assessment of any compensation or consideration under the Banking (Special Provisions) Act 2008(**c**) or the Banking Act 2009(**d**).".

Financial Services and Markets Tribunal (Legal Assistance) Regulations 2001

28. The Financial Services and Markets Tribunal (Legal Assistance) Regulations 2001(**e**) are amended as follows.

29. In regulation 2 (interpretation) for the definition of "the Tribunal" substitute—

""the Tribunal" means the Upper Tribunal.".

30. For the heading of Part 5 (constitution) substitute "Delegation of Tribunal functions".

31. In regulation 43 omit "a member of the panel of chairmen of the Tribunal acting alone or by".

Financial Services and Markets Tribunal (Legal Assistance Scheme – Costs) Regulations 2001

32. The Financial Services and Markets Tribunal (Legal Assistance Scheme – Costs) Regulations 2001(**f**) are amended as follows.

33. In regulation 2 (interpretation) for the definition of "the Tribunal" substitute—

""the Tribunal" means the Upper Tribunal.".

Electronic Commerce Directive (Financial Services and Markets) Regulations 2002

34. The Electronic Commerce Directive (Financial Services and Markets) Regulations 2002(**g**) are amended as follows.

35. In regulation 2(1) (interpretation) omit the definition of "Tribunal".

36. In regulation 6(2)(c) (direction by Authority) for "Tribunal" substitute "Upper Tribunal".

(**a**) 2008 c. 2.
(**b**) 2009 c. 1.
(**c**) 2008 c. 2.
(**d**) 2009 c. 1.
(**e**) S.I. 2001/3632.
(**f**) S.I. 2001/3633.
(**g**) S.I. 2002/1775.

37. In regulation 10(7) (directions made under regulation 6) for "Tribunal" substitute "Upper Tribunal".

38. In regulation 11 (referral to the Tribunal), and in the heading of that regulation, for "Tribunal" substitute "Upper Tribunal".

Patients' Forums (Membership and Procedure) Regulations 2003

39. In regulation 4(1)(c)(i) of the Patients' Forums (Membership and Procedure) Regulations 2003(**a**) (disqualification for appointment) for the words from "Family Health Services Appeal Authority" to the end, substitute "First-tier Tribunal,".

Privacy and Electronic Communications (EC Directive) Regulations 2003

40. For regulation 28(8)(a) of the Privacy and Electronic Communications (EC Directive) Regulations 2003(**b**) (national security) substitute—

"(a) "the Tribunal", in relation to any appeal under this regulation, means—

(i) the Upper Tribunal, in any case where it is determined by or under Tribunal Procedure Rules that the Upper Tribunal is to hear the appeal; or

(ii) the First-tier Tribunal, in any other case;".

NHS Professionals Special Health Authority Regulations 2003

41. In regulation 3(1)(e)(i) of the NHS Professionals Special Health Authority Regulations 2003(**c**) (disqualification for appointment) for the words from "Family Health Services Appeal Authority" to the end, substitute "First-tier Tribunal,".

National Health Service (General Medical Services Contracts) Regulations 2004

42. The National Health Service (General Medical Services Contracts) Regulations 2004(**d**) are amended as follows.

43. In regulation 2(1) (interpretation), in the definition of "national disqualification", in sub-paragraph (a) for "FHSAA" substitute "First-tier Tribunal".

44. In regulation 7 (appeal)—

(a) for "FHSAA" substitute "First-tier Tribunal"; and

(b) omit the words from "by giving notice" to the end.

National Health Service (General Medical Services Contracts) (Wales) Regulations 2004

45. The National Health Service (General Medical Services Contracts) (Wales) Regulations 2004(**e**) are amended as follows.

46. In regulation 2(1) (interpretation), in the definition of "national disqualification", in sub-paragraph (a) for "FHSAA" substitute "First-tier Tribunal".

47. In regulation 7 (appeal)—

(a) for "FHSAA" substitute "First-tier Tribunal"; and

(b) omit the words from "by giving notice" to the end.

(**a**) S.I. 2003/2123.
(**b**) S.I. 2003/2426.
(**c**) S.I. 2003/3060.
(**d**) S.I. 2004/291.
(**e**) S.I. 2004/478 (W. 48).

National Health Service (Performers Lists) Regulations 2004

48. The National Health Service (Performers Lists) Regulations 2004(**a**) are amended as follows.

49. In regulation 2(1) (interpretation), in the definition of "a national disqualification", in sub-paragraph (a) for "FHSAA" substitute "First-tier Tribunal".

50. In regulation 7(1)(f), (g) and (j) (deferment of decision on application) for "FHSAA" substitute "First-tier Tribunal".

51. In regulation 8(9) (conditional inclusion) for "FHSAA" substitute "First-tier Tribunal".

52. In regulation 10(2) and (14)(b) (removal from performers list) for "FHSAA" substitute "First-tier Tribunal".

53. In regulation 13(4)(a) and (b), (5), (6) and (7)(b) (suspension) for "FHSAA", in each place, substitute "First-tier Tribunal".

54. In regulation 14(1)(c) (reviews) for "FHSAA" substitute "First-tier Tribunal".

55. In regulation 15 (appeals)—

(a) in paragraph (1)—

(i) for "FHSAA" substitute "First-tier Tribunal"; and

(ii) omit "by giving notice to the FHSAA"; and

(b) in paragraphs (2)(g), (3), (4) and (6) for "FHSAA", in each place, substitute "First-tier Tribunal".

56. In regulation 16(7) (notification) for "FHSAA" substitute "First-tier Tribunal".

57. In regulation 18A (national disqualification)—

(a) in paragraphs (1) to (3) and (5) to (7) for "FHSAA", in each place, substitute "First-tier Tribunal"; and

(b) in paragraph (8)(b) for "FHSAA's" substitute "First-tier Tribunal's".

58. In regulation 19 (review periods on national disqualification) for "FHSAA", in each place, substitute "First-tier Tribunal".

National Health Service (Personal Medical Services Agreements) Regulations 2004

59. The National Health Service (Personal Medical Services Agreements) Regulations 2004(**b**) are amended as follows.

60. In regulation 2 (interpretation), in the definition of "national disqualification", in paragraph (a) for "FHSAA" substitute "First-tier Tribunal".

61. In regulation 7 (appeal)—

(a) for "FHSAA" substitute "First-tier Tribunal"; and

(b) omit the words from "by giving notice" to the end.

62. In regulation 19(9) (right to a general medical services contract) for "FHSAA" substitute "First-tier Tribunal".

(**a**) S.I. 2004/585. Regulation 18A was inserted by regulation 8 of the National Health Service (Performers Lists) Amendment Regulations 2005 (S.I. 2005/3491).

(**b**) S.I. 2004/627.

National Health Service (Performers Lists) (Wales) Regulations 2004

63. The National Health Service (Performers Lists) (Wales) Regulations 2004(**a**) are amended as follows.

64. In regulation 2(1) (interpretation), in the definition of "a national disqualification", in sub-paragraph (a) for "FHSAA" substitute "First-tier Tribunal".

65. In regulation 7(1)(f), (g) and (j) (deferment of decision on application) for "FHSAA" substitute "First-tier Tribunal".

66. In regulation 8(9) (conditional inclusion) for "FHSAA" substitute "First-tier Tribunal".

67. In regulation 10(2) and (14)(b) (removal from performers list) for "FHSAA" substitute "First-tier Tribunal".

68. In regulation 13(4)(a) and (b), (5), (6) and (7)(b) (suspension) for "FHSAA", in each place, substitute "First-tier Tribunal".

69. In regulation 14(1)(c) (reviews) for "FHSAA" substitute "First-tier Tribunal".

70. In regulation 15 (appeals)—

(a) in paragraph (1)—

(i) for "FHSAA" substitute "First-tier Tribunal"; and

(ii) omit "by giving notice to the FHSAA"; and

(b) in paragraphs (2)(g), (3), (4) and (6) for "FHSAA", in each place, substitute "First-tier Tribunal".

71. In regulation 16(7) (notification) for "FHSAA" substitute "First-tier Tribunal".

72. In regulation 18A (national disqualification)—

(a) in paragraphs (1) to (3) and (5) to (7) (8)(b) for "FHSAA", in each place, substitute "First-tier Tribunal"; and

(b) in paragraph (8)(b) for "FHSAA's" substitute "First-tier Tribunal's".

73. In regulation 19 (review periods on national disqualification) for "FHSAA", in each place, substitute "First-tier Tribunal".

Postgraduate Medical Education and Training Board (Members-Removal from Office) Rules Order 2004

74. In rule 2 of the Rules set out in the Schedule to the Postgraduate Medical Education and Training Board (Members-Removal from Office) Rules Order 2004(**b**) (interpretation)—

(a) omit the definition of "FHSAA"; and

(b) in sub-paragraph (a) of the definition of "National Disqualification" for "FHSAA" substitute "First-tier Tribunal".

Health Protection Agency Regulations 2005

75. In regulation 3(1)(e)(i) of the Health Protection Agency Regulations 2005(**c**) (disqualification for appointment) for the words from "Family Health Services Appeal Authority" to the end, substitute "First-tier Tribunal,".

(**a**) S.I. 2004/1020 (W. 117). Regulation 18A was inserted by regulation 8 of the National Health Service (Performers Lists) (Wales) Amendment Regulations 2006 (S.I. 2006/945 (W. 94)).

(**b**) S.I. 2004/3410.

(**c**) S.I. 2005/408. Amended by regulation 12(12) of the National Health Service (Performers Lists) Amendment Regulations 2005 (S.I. 2005/3491).

Health and Social Care Information Centre Regulations 2005

76. In regulation 1(3) of the Health and Social Care Information Centre Regulations 2005(**a**) (interpretation), in the definition of "national NHS disqualification", in sub-paragraph (a) for "FHSAA" substitute "First-tier Tribunal".

National Health Service Pharmaceutical Services Regulations 2005

77. The National Health Service Pharmaceutical Services Regulations 2005(**b**) are amended as follows.

78. In regulation 2(1) (interpretation), in the definition of "national disqualification", in sub-paragraph (a) for "FHSAA" substitute "First-tier Tribunal".

79. In regulation 19 (refusal: fitness to practice grounds)—

(a) in paragraph (6) for "FHSAA" substitute "First-tier Tribunal"; and

(b) in paragraph (7) omit the words from "An appeal" to "and such".

80. In regulation 26(1)(f), (g), (j) and (k) (deferral of considerations of applications on fitness to practice grounds) for "FHSAA" substitute "First-tier Tribunal".

81. In regulation 28(7) (notifications by Primary Care Trusts to other persons) for "FHSAA" substitute "First-tier Tribunal".

82. In regulation 30 (appeals against imposition of conditions and related decisions)—

(a) in paragraph (1) for "FHSAA" substitute "First-tier Tribunal";

(b) omit paragraph (2);

(c) in paragraph (3) omit the words ", and shall notify" to the end;

(d) in paragraph (4)—

(i) for "FHSAA" substitute "First-tier Tribunal"; and

(ii) for "of the notification to him under paragraph (3)" substitute "on which the First-tier Tribunal notified him of the decision"; and

(e) in paragraph (6) for "FHSAA" substitute "First-tier Tribunal".

83. In regulation 39(2) and (10)(b) (procedure after grant of application) for "FHSAA" substitute "First-tier Tribunal".

84. In regulation 42(5) (review of decision to impose conditions) for "FHSAA" substitute "First-tier Tribunal".

85. In regulation 43 (appeals following a review) for "FHSAA" substitute "First-tier Tribunal".

86. In regulation 48 (procedure on removal)—

(a) in paragraphs (4), (7) and (8) for "FHSAA", in each place, substitute "First-tier Tribunal"; and

(b) for paragraph (6) substitute—

"(6) The Primary Care Trust must inform the chemist that he may appeal and how to make such an appeal.".

87. In regulation 51 (procedure on review of Primary Care Trust decision)—

(a) in paragraph (3) for "FHSAA" substitute "First-tier Tribunal"; and

(b) for paragraph (4) substitute—

(**a**) S.I. 2005/500.
(**b**) S.I. 2005/641.

"(4) The Primary Care Trust must inform the chemist that he may appeal and how to make such an appeal.".

88. In regulation 52 (review periods on national disqualification) for "FHSAA", in each place, substitute "First-tier Tribunal".

89. In paragraph 12(e) of Part 3 of Schedule 4 (information and undertakings) for "FHSAA" substitute "First-tier Tribunal".

Pensions Regulator Tribunal (Legal Assistance Scheme) Regulations 2005

90. The Pensions Regulator Tribunal (Legal Assistance Scheme) Regulations 2005(**a**) are amended as follows.

91. In regulation 2 (interpretation) for the definition of "the Tribunal" substitute—

""the Tribunal", in relation to any reference, means the tribunal to which the reference is made, and includes any person acting on behalf of the Tribunal in accordance with regulation 42.".

92. For the heading of Part 5 (constitution) substitute "Delegation of Tribunal functions".

93. In regulation 42 (acts of the Tribunal) omit "a member of the panel of chairmen of the Tribunal acting alone or by".

Pensions Regulator Tribunal (Legal Assistance Scheme - Costs) Regulations 2005

94. In regulation 2 of the Pensions Regulator Tribunal (Legal Assistance Scheme – Costs) Regulations 2005(**b**) (interpretation) for the definition of "the Tribunal" substitute—

""the Tribunal", in relation to any reference, means the tribunal to which the reference is made, and includes any person authorised by it to act on its behalf.".

NHS Institute for Innovation and Improvement Regulations 2005

95. In regulation 1(3) of the NHS Institute for Innovation and Improvement Regulations 2005(**c**) (interpretation), in the definition of "national NHS disqualification", in sub-paragraph (a) for "FHSAA" substitute "First-tier Tribunal".

NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) Regulations 2005

96. In regulation 1(2) of the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) Regulations 2005(**d**) (interpretation), in the definition of "national NHS disqualification", in sub-paragraph (a) for "FHSAA" substitute "First-tier Tribunal".

NHS Blood and Transplant (Gwaed a Thrawsblaniadau'r GIG) Regulations 2005

97. In regulation 1(2) of the NHS Blood and Transplant (Gwaed a Thrawsblaniadau'r GIG) Regulations 2005(**e**) (interpretation), in the definition of "national NHS disqualification", in sub-paragraph (a) for "FHSAA" substitute "First-tier Tribunal".

(**a**) S.I. 2005/781.
(**b**) S.I. 2005/782.
(**c**) S.I. 2005/1447.
(**d**) S.I. 2005/2415.
(**e**) S.I. 2005/2531.

National Health Service (General Dental Services Contracts) Regulations 2005

98. The National Health Service (General Dental Services Contracts) Regulations 2005(**a**) are amended as follows.

99. In regulation 2(1) (interpretation), in the definition of "national disqualification", in sub-paragraph (a) for "FHSAA" substitute "First-tier Tribunal".

100. In regulation 7 (appeal)—

(a) for "FHSAA" substitute "First-tier Tribunal"; and

(b) omit the words from "by giving notice" to the end.

National Health Service (Personal Dental Services Agreements) Regulations 2005

101. The National Health Service (Personal Dental Services Agreements) Regulations 2005(**b**) are amended as follows.

102. In regulation 2(1) (interpretation), in the definition of "national disqualification", in sub-paragraph (a) for "FHSAA" substitute "First-tier Tribunal".

103. In regulation 7 (appeal)—

(a) for "FHSAA" substitute "First-tier Tribunal"; and

(b) omit the words from "by giving notice" to the end.

104. In regulation 21(8) (right to a general dental services contract) for "FHSAA" substitute "First-tier Tribunal".

National Health Service (General Ophthalmic Services Supplementary List) and (General Ophthalmic Services) (Amendment and Consequential Amendment) (Wales) Regulations 2006

105. The National Health Service (General Ophthalmic Services Supplementary List) and (General Ophthalmic Services) (Amendment and Consequential Amendment) (Wales) Regulations 2006(**c**) are amended as follows.

106. In regulation 2(1) (interpretation), in the definition of "a national disqualification" ("*anghymhwysiad cenedlaethol*"), in sub-paragraph (a) for "FHSAA" substitute "First-tier Tribunal".

107. In regulation 7(1)(f), (g) and (j) (deferment of decision on application) for "FHSAA" substitute "First-tier Tribunal".

108. In regulation 8(9) (conditional inclusion) for "FHSAA" substitute "First-tier Tribunal".

109. In regulation 10(3) and (15)(b) (removal from supplementary list) for "FHSAA" substitute "First-tier Tribunal".

110. In regulation 12(3)(b) (contingent removal) for "FHSAA" substitute "First-tier Tribunal".

111. In regulation 13(4)(a) and (b), (5), (6) and (7)(b) (suspension) for "FHSAA", in each place, substitute "First-tier Tribunal".

112. In regulation 14(1)(c) (reviews) for "FHSAA" substitute "First-tier Tribunal".

113. In regulation 15 (appeals)—

(**a**) S.I. 2005/3361.
(**b**) S.I. 2005/3373.
(**c**) S.I. 2006/181 (W. 32).

(a) in paragraph (1)—

(i) for "FHSAA" substitute "First-tier Tribunal"; and

(ii) omit "by giving notice to the FHSAA"; and

(b) in paragraphs (3), (4) and (6) for "FHSAA", in each place, substitute "First-tier Tribunal".

114. In regulation 16(7) (notification) for "FHSAA" substitute "First-tier Tribunal".

115. In regulation 19 (review periods for national disqualification) for "FHSAA", in each place, substitute "First-tier Tribunal".

Rheoliadau'r Gwasanaeth Iechyd Gwladol (Rhestr Atodol Gwasanaethau Offthalmig Cyffredinol) a (Gwasanaethau Offthalmig Cyffredinol) (Diwygio a Diwygiad Canlyniadol) (Cymru) 2006

116. Diwygir Rheoliadau'r Gwasanaeth Iechyd Gwladol (Rhestr Atodol Gwasanaethau Offthalmig Cyffredinol) a (Gwasanaethau Offthalmig Cyffredinol) (Diwygio a Diwygiad Canlyniadol) (Cymru) 2006(**a**) fel a ganlyn.

117. Yn rheoliad 2(1) (dehongliad), yn y diffiniad o "anghymhwysiad cenedlaethol" ("*a national disqualification*"), yn is-baragraff (a) yn lle "yr FHSAA" rhodder "y Tribiwnlys Haen Gyntaf".

118. Yn rheoliad 7(1)(dd), (e) ac (g) (gohirio penderfyniad ynglŷn â chais) yn lle "yr FHSAA" rhodder "y Tribiwnlys Haen Gyntaf".

119. Yn rheoliad 8(9) (cynnwys yn amodol) yn lle "yr FHSAA" rhodder "y Tribiwnlys Haen Gyntaf".

120. Yn rheoliad 10(3) a (15)(b) (tynnu oddi ar y rhestr atodol) yn lle "yr FHSAA" rhodder "y Tribiwnlys Haen Gyntaf".

121. Yn rheoliad 12(3)(b) (tynnu'n amodol oddi ar y rhestr) yn lle "yr FHSAA" rhodder "y Tribiwnlys Haen Gyntaf".

122. Yn rheoliad 13 (atal dros dro)—

(a) ym mharagraff (4)(a) a (b), (5) a (6) yn lle'r ymadrodd "yr FHSAA", bob tro y'i ceir, rhodder "y Tribiwnlys Haen Gyntaf";

(b) ym mharagraff (4)(b) yn lle "i'r FHSAA" rhodder "i'r Tribiwnlys Haen Gyntaf"; ac

(c) ym mharagraff (7)(b) yn lle "bo'r FHSAA" rhodder "bo'r Tribiwnlys Haen Gyntaf".

123. Yn rheoliad 14(1)(c) (adolygiadau) yn lle "yr FHSAA" rhodder "y Tribiwnlys Haen Gyntaf".

124. Yn rheoliad 15 (apeliadau)—

(a) ym mharagraff (1)—

(i) yn lle "i'r FHSAA" rhodder "i'r Tribiwnlys Haen Gyntaf"; a

(ii) hepgorer "trwy hysbysu'r FHSAA";

(b) ym mharagraff (3) yn lle "yr FHSAA" rhodder "y Tribiwnlys Haen Gyntaf";

(c) ym mharagraff (4) yn lle "FHSAA" rhodder "y Tribiwnlys Haen Gyntaf"; ac

(ch) ym mharagraff (6) yn lle "fo'r FHSAA" rhodder "fo'r Tribiwnlys Haen Gyntaf" ac yn lle "i'r FHSAA" rhodder "i'r Tribiwnlys Haen Gyntaf".

125. Yn rheoliad 16(7) (hysbysiad) yn lle "yr FHSAA" rhodder "y Tribiwnlys Haen Gyntaf".

(**a**) O.S. 2006/181 (Cy. 32).

126. Yn rheoliad 19 (cyfnodau adolygu ar gyfer anghymhwysiad cenedlaethol)—

(a) yn lle'r ymadrodd "yr FHSAA", bob tro y'i ceir, rhodder "y Tribiwnlys Haen Gyntaf";

(b) ym mharagraff (c) yn lle "y FHSAA" rhodder "y Tribiwnlys Haen Gyntaf"; ac

(c) ym mharagraff (ch) yn lle "mae'r FHSAA" rhodder "mae'r Tribiwnlys Haen Gyntaf".

National Health Service (Personal Dental Services Agreements) (Wales) Regulations 2006

127. The National Health Service (Personal Dental Services Agreements) (Wales) Regulations 2006(**a**) are amended as follows.

128. In regulation 2(1) (interpretation), in the definition of "national disqualification", in sub-paragraph (a) for "FHSAA" substitute "First-tier Tribunal".

129. In regulation 7 (appeal)—

(a) for "FHSAA" substitute "First-tier Tribunal"; and

(b) omit the words from "by giving notice" to the end.

130. In regulation 21(8) (right to a general dental services contract) for "FHSAA" substitute "First-tier Tribunal".

National Health Service (General Dental Services Contracts) (Wales) Regulations 2006

131. The National Health Service (General Dental Services Contracts) (Wales) Regulations 2006(**b**) are amended as follows.

132. In regulation 2(1) (interpretation), in the definition of "national disqualification", in sub-paragraph (a) for "FHSAA" substitute "First-tier Tribunal".

133. In regulation 7 (appeal)—

(a) for "FHSAA" substitute "First-tier Tribunal"; and

(b) omit the words from "by giving notice" to the end.

National Health Service (Local Pharmaceutical Services, etc) Regulations 2006

134. The National Health Service (Local Pharmaceutical Services, etc) Regulations 2006(**c**) are amended as follows.

135. In regulation 2(1) (interpretation), in the definition of "national disqualification", in sub-paragraph (a) for "FHSAA" substitute "First-tier Tribunal".

136. In regulation 9 (appeal)—

(a) for "FHSAA" substitute "First-tier Tribunal"; and

(b) omit the words from "by giving notice" to the end.

Appointments Commission Regulations 2006

137. In regulation 1(2) of the Appointments Commission Regulations 2006(**d**) (interpretation), in the definition of "national NHS disqualification", in sub-paragraph (a) for "FHSAA" substitute "First-tier Tribunal".

(**a**) S.I. 2006/489 (W. 58).
(**b**) S.I. 2006/490 (W. 59).
(**c**) S.I. 2006/552.
(**d**) S.I. 2006/2380.

Gambling Act 2005 (Definition of Small-scale Operator) Regulations 2006

138. In regulation 2(4) of the Gambling Act 2005 (Definition of Small-scale Operator) Regulations 2006(**a**) (definition of small-scale operator)—

(a) in sub-paragraphs (a) and (c) for "Gambling Appeals Tribunal" substitute "First-tier Tribunal"; and

(b) in sub-paragraph (c) and (d) for "under section 143 of the Act" substitute "to the Upper Tribunal".

Compensation (Claims Management Services) Regulations 2006

139. In regulation 31 of the Compensation (Claims Management Services) Regulations 2006(**b**) (definitions) in the definition of "the Tribunal" for "Claims Management Services Tribunal established by section 12 of the Act" substitute "First-tier Tribunal".

Money Laundering Regulations 2007

140. The Money Laundering Regulations 2007(**c**) are amended as follows.

141. In regulation 44(2)(b) and (4) (appeals) for "Financial Services and Markets Tribunal" substitute "Upper Tribunal".

142. In Schedule 5 (modifications in relation to appeals)—

(a) in paragraph 2—

(i) in sub-paragraph (a) for "section 133 and Schedule 13" substitute "sections 133 to 133B";

(ii) omit sub-paragraph (b);

(iii) for sub-paragraph (c) substitute—

"(c) in section 133A omit subsections (1), (2), (3) and (5);"; and

(iv) in sub-paragraph (d) for "section 133(9)" substitute "section 133A(4)"; and

(b) omit Part 2 (secondary legislation).

Administrative Justice and Tribunals Council (Listed Tribunals) Order 2007

143. In article 2 of the Administrative Justice and Tribunals Council (Listed Tribunals) Order 2007(**d**) (list of tribunals) omit the entries relating to—

(a) Case Tribunals, or Interim Case Tribunals, drawn from the Adjudication Panel for England;

(b) the Claims Management Services Tribunal;

(c) the Family Health Services Appeal Authority;

(d) the Financial Services and Markets Tribunal;

(e) the Gambling Appeals Tribunal;

(f) the Immigration Services Tribunal; and

(g) the Information Tribunal.

(**a**) S.I. 2006/3266.
(**b**) S.I. 2006/3322.
(**c**) S.I. 2007/2157.
(**d**) S.I. 2007/2951.

Transfer of Funds (Information on the Payer) Regulations 2007

144. The Transfer of Funds (Information on the Payer) Regulations 2007(**a**) are amended as follows.

145. In regulation 13(2) and (3) (appeals) for "Financial Services and Markets Tribunal" substitute "Upper Tribunal".

146. In paragraph 1 of Schedule 2 (modifications in relation to appeals)—

(a) for "Section 133" substitute "Section 133A";

(b) omit sub-paragraph (a);

(c) in sub-paragraph (b) for "(6), (7), (8) and (12)" substitute "(1), (2), (3) and (5)"; and

(d) in sub-paragraph (c)—

(i) for "(9)" substitute "(4)";

(ii) in paragraph (i) omit "where it first occurs"; and

(iii) omit paragraph (ii).

Environmental Permitting (England and Wales) Regulations 2007

147. In regulation 72(11)(c) of the Environmental Permitting (England and Wales) Regulations 2007(**b**) for "the Tribunal Procedure (Upper Tribunal) (Land Chamber) Rules 2009" substitute "Tribunal Procedure Rules".

Regulated Covered Bonds Regulations 2008

148. The Regulated Covered Bonds Regulations 2008(**c**) are amended as follows.

149. In regulation 1(2) (interpretation) omit the definition of "the Tribunal".

150. In regulation 13(6) (decision on the application) for "Tribunal" substitute "Upper Tribunal".

151. In regulation 20(7) (material changes to the regulated covered bond) for "Tribunal" substitute "Upper Tribunal".

152. In regulation 25(7) (change of owner) for "Tribunal" substitute "Upper Tribunal".

153. In regulation 32(4) (directions and revocation: procedure) for "Tribunal" substitute "Upper Tribunal".

154. In regulation 35(5) for "Tribunal" substitute "Upper Tribunal".

155. In the heading of Part 8 (the Tribunal) for "Tribunal" substitute "Upper Tribunal".

156. In regulation 39 and the heading of that regulation (functions of the Tribunal) for "Tribunal" substitute "Upper Tribunal".

157. Omit regulation 40 (hearings and appeals).

(**a**) S.I. 2007/3298. Regulation 13(2) was substituted by paragraph 180 of Schedule 2 to the Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56).

(**b**) S.I. 2007/3538. Regulation 72(11) was inserted by paragraph 123 of Schedule 2 to the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307).

(**c**) S.I. 2008/346.

Northern Rock plc Compensation Scheme Order 2008

158. In the Schedule to the Northern Rock plc Compensation Scheme Order 2008(**a**) (the Northern Rock plc compensation scheme)—

(a) in paragraph 2 (interpretation) omit the definition of "the Tribunal";

(b) in paragraph 13 and the heading (right to refer to the Tribunal) for "Tribunal" substitute "Upper Tribunal";

(c) in paragraph 14(2)(b) (payment of compensation) for "Tribunal" substitute "Upper Tribunal";

(d) in the heading of Part 5 (references to the Tribunal) for "Tribunal" substitute "Upper Tribunal";

(e) for paragraph 15 (application of the Financial Services and Markets Act 2000) substitute—

"Application of FSMA 2000

15. The provisions of Part 9 (hearing and appeals) of FSMA 2000 shall apply in respect of any reference made under paragraph 13, subject to the modifications set out in this Part." ;

(f) for paragraph 16 substitute—

"**16.** Part 9 of FSMA 2000 is modified as follows.";

(g) omit paragraph 17;

(h) in paragraph 18—

(i) omit sub-paragraph (i);

(ii) in sub-paragraph (ii) for "(4)" in both places substitute "(5)"; and

(iii) for sub-paragraph (iii) substitute—

"(iii) omit subsection (6).";

(i) in paragraph 19 after "sections" insert "133A and"; and

(j) omit paragraphs 20 to 28 and the preceding heading (modification of Financial Services and Markets Tribunal Rules 2001).

Standards Committee (England) Regulations 2008

159. The Standards Committee (England) Regulations 2008(**b**) are amended as follows.

160. In regulation 2 (interpretation) omit the definition of "Adjudication Panel".

161. In regulation 9 (interpretation of Part 3) omit the definition of "appeals tribunal".

162. In regulation 12(2) (application of section 63 of the Local Government Act 2000 with modifications) in the new paragraph (aa)(ii) for "a tribunal drawn from members of the Adjudication Panel" substitute "the First-tier Tribunal".

163. In regulation 17 (consideration of reports by standards committee)—

(a) in paragraph (1)(c) for "Adjudication Panel" substitute "First-tier Tribunal";

(b) in paragraph (2)(b) for "president or deputy president of the Adjudication Panel" substitute "First-tier Tribunal";

(c) for paragraph (6) substitute—

(**a**) S.I. 2008/718.
(**b**) S.I. 2008/1085.

"(6) The First-tier Tribunal has the same power to take action in relation to a reference under sub-paragraph (1)(c) as it does in relation to a reference made under section 64(3)(b) of the Act."; and

(d) omit paragraph (7).

164. In regulation 21 (notices of appeals)—

(a) for the heading substitute "Appeal to the First-tier Tribunal";

(b) in paragraph (1)—

(i) omit ", by way of notice in writing given to the president of the Adjudication Panel";

(ii) in sub-paragraph (a) after "appeal" insert "to the First-tier Tribunal"; and

(iii) in sub-paragraph (b) after "apply" insert " to the First-tier Tribunal";

(c) omit paragraphs (2) and (3);

(d) in paragraph (4)—

(i) for ", the president, or deputy president (as the case may be)," substitute "the First-tier Tribunal"; and

(ii) for "their" substitute "its"; and

(e) omit paragraphs (6) and (7).

165. Omit regulations 22 to 24 (tribunal procedure and composition).

166. In regulation 25 (outcome of appeals)—

(a) in paragraphs (1) to (4) and (6) for "an appeals tribunal" substitute "the First-tier Tribunal"; and

(b) omit paragraphs (7) and (8).

General Ophthalmic Services Contracts Regulations 2008

167. The General Ophthalmic Services Contracts Regulations 2008(**a**) are amended as follows.

168. In regulation 2(1) (interpretation)—

(a) in the definition of "contract disqualification order" for "FHSAA" substitute "First-tier Tribunal"; and

(b) in the definition of "national disqualification", in sub-paragraph (a) for "FHSAA" substitute "First-tier Tribunal".

169. In regulation 6 (appeals and contract disqualifications)—

(a) for "FHSAA", in each place, substitute "First-tier Tribunal"; and

(b) in paragraph (1) omit the words from ", by giving notice" to the end.

Care Quality Commission (Membership) Regulations 2008

170. In the Schedule to the Care Quality Commission (Membership) Regulations 2008(**b**) (grounds for disqualification)—

(a) in paragraph 6(1)(a) for "FHSAA" substitute "First-tier Tribunal; and

(b) in paragraph 17 for "a case tribunal" substitute "the First-tier Tribunal".

(**a**) S.I. 2008/1185.
(**b**) S.I. 2008/2252.

Case Tribunals (England) Regulations 2008

171. The Case Tribunals (England) Regulations 2008(**a**) are amended as follows.

172. In regulation 2 (interpretation)—

(a) omit the definition of "Adjudication Panel";

(b) omit the definition of "case tribunal";

(c) in the definition of "respondent" for "Adjudication Panel for England" substitute "First-tier Tribunal"; and

(d) in the definition of "the relevant authority concerned" for "a case tribunal" substitute "the First-tier Tribunal".

173. In regulation 3 (sanctions available to case tribunals)—

(a) in the heading for "case tribunals" substitute "First-tier Tribunal";

(b) in paragraph (1)—

(i) for "a case tribunal" substitute "the First-tier Tribunal"; and

(ii) in sub-paragraphs (e) to (j) for "the case tribunal" substitute "the First-tier Tribunal"; and

(c) in paragraphs (2) and (3) for "a case tribunal" substitute "the First-tier Tribunal".

174. In regulation 4 (notices)—

(a) in paragraph (1) for "a case tribunal" substitute "the First-tier Tribunal";

(b) in paragraph (2)—

(i) in sub-paragraphs (a), (c) and (e) for "the case tribunal" substitute "the First tier-Tribunal"; and

(ii) in sub-paragraph (e) for ", seek leave to appeal to the High Court" substitute "and section 11 of the Tribunals, Courts and Enforcement Act 2007, seek permission to appeal to the Upper Tribunal"; and

(c) omit paragraph (4).

175. In regulation 5 (withdrawal of references by ethical standards officer)—

(a) in paragraph (1)—

(i) for "An" substitute "Subject to any provision in Tribunal Procedure Rules relating to the withdrawal of proceedings, an";

(ii) for "president of the Adjudication Panel" substitute "First-tier Tribunal"; and

(iii) in sub-paragraph (b) for "paragraphs (3) and (4) substitute "paragraph (3)";

(b) in paragraphs (2)(b)(i) and (3)(a) for "president of the Adjudication Panel" substitute "First-tier Tribunal";

(c) in paragraph (2)(b)(i) for "a case tribunal" substitute "the First-tier Tribunal";

(d) in paragraphs (2)(c) and (3) for "president or deputy president of the Adjudication Panel" substitute "First-tier Tribunal";

(e) omit paragraph (4);

(f) in paragraph (5)—

(i) for "president of the Adjudication Panel, or the deputy president, as the case may be," substitute "First-tier Tribunal"; and

(ii) omit "or of consent under paragraph (4)"; and

(g) in paragraph (6), for sub-paragraph (b) substitute—

(**a**) S.I. 2008/2938.

"(b) any written reasons given by the First-tier Tribunal in relation to the withdrawal, including any written reasons given under paragraph (5)."

Bradford & Bingley plc Compensation Scheme Order 2008

176. In the Schedule to the Bradford & Bingley plc Compensation Scheme Order 2008(**a**) (the Bradford & Bingley plc compensation scheme)—

(a) in paragraph 2 (interpretation) omit the definition of "the Tribunal";

(b) in paragraph 12 and the heading (right to refer to the Tribunal) for "Tribunal" substitute "Upper Tribunal";

(c) in paragraph 13(2)(b) (payment of compensation) for "Tribunal" substitute "Upper Tribunal";

(d) in the heading of Part 5 (references to the Tribunal) for "Tribunal" substitute "Upper Tribunal";

(e) for paragraph 14 (application of the Financial Services and Markets Act 2000) substitute—

"Application of FSMA 2000

14. The provisions of Part 9 (hearing and appeals) of FSMA 2000 shall apply in respect of any reference made under paragraph 12, subject to the modifications set out in this Part." ;

(f) for paragraph 15 substitute—

"**15.** Part 9 of FSMA 2000 is modified as follows.";

(g) omit paragraph 16;

(h) in paragraph 17—

(i) omit sub-paragraph (i);

(ii) in sub-paragraph (ii) for "(4)" in both places substitute "(5)"; and

(iii) for sub-paragraph (iii) substitute—

"(iii) omit subsection (6).";

(i) in paragraph 18 after "sections" insert "133A and"; and

(j) omit paragraphs 19 to 27 and the preceding heading (modification of Financial Services and Markets Tribunal Rules 2001).

Payment Services Regulations 2009

177. The Payment Services Regulations 2009(**b**) are amended as follows.

178. In regulation 1(2)(b)(vii) (commencement) for "Tribunal" substitute "Upper Tribunal".

179. In regulation 2(1) (interpretation) omit the definition of "the Tribunal".

180. In regulation 9(9) (determination of application for authorisation or variation of authorisation) for "Tribunal" substitute "Upper Tribunal".

181. In regulation 10(4) and (5) (cancellation of authorisation) for "Tribunal" substitute "Upper Tribunal".

(**a**) S.I. 2008/3249.
(**b**) S.I. 2009/209.

182. In regulation 11(5), (7)(c) and (e) and (11) (variation of authorisation on Authority's own initiative) for "Tribunal" substitute "Upper Tribunal".

183. In regulation 24(4) and (6) (registration of EEA branch) for "Tribunal" substitute "Upper Tribunal".

184. In regulation 29(11) (use of agents) for "Tribunal" substitute "Upper Tribunal".

185. In regulation 30(4) and (5) (removal of agent from register) for "Tribunal" substitute "Upper Tribunal".

186. In regulation 86(5) (proposal to take disciplinary measures) for "Tribunal" substitute "Upper Tribunal".

187. In regulation 89(5) (proposal to require restitution) for "Tribunal" substitute "Upper Tribunal".

188. In regulation 121(9) and (10) (transitional provisions: deemed authorisation) for "Tribunal" substitute "Upper Tribunal".

189. In paragraph 2 of Schedule 5 (application and modification of the 2000 Act)—

(a) for "Tribunal" in each place (including the heading) substitute "Upper Tribunal";

(b) for "section 133 (proceedings: general provision)" substitute "section 133A (proceedings before Tribunal: decision and supervisory notices, etc.)";

(c) for sub-paragraphs (a) and (b) (and the "and" following sub-paragraph (b)) substitute—

"(a) in subsection (1) omit ", as a result of section 388(2),";

(b) omit subsection (5); and"; and

(d) in sub-paragraph (c) for "subsection (12)" substitute "subsection (3)".

Local Government (Structural Changes) (Further Transitional and Supplementary Provision and Miscellaneous Amendments) Regulations 2009

190. In regulation 5(1) of the Local Government (Structural Changes) (Further Transitional and Supplementary Provision and Miscellaneous Amendments) Regulations 2009(**a**) (councillors' conduct: additional function of standards committees of predecessor councils) for the words from "Adjudication Panel for England" to the end substitute "First-tier Tribunal.".

Dunfermline Building Society Independent Valuer Order 2009

191. The Dunfermline Building Society Independent Valuer Order 2009(**b**) is amended as follows.

192. In article 2 (interpretation) omit the definition of "the Tribunal".

193. In the heading for Part 5 (references to the Tribunal) for "the Tribunal" substitute "the Upper Tribunal".

194. In article 13 (right to refer to the Tribunal), and in the heading of that article, for "the Tribunal" in each place substitute "the Upper Tribunal".

195. For article 14 (application of the Financial Services and Markets Act 2000) substitute—

"**14.** The provisions of Part 9 (hearing and appeals) of the Financial Services and Markets Act 2000 shall apply in respect of any reference made under article 13, subject to the modifications set out in this Part.".

(**a**) S.I. 2009/276.
(**b**) S.I. 2009/1810.

196. For article 15 substitute—

"**15.** Part 9 of the Financial Services and Markets Act 2000 is modified as follows.".

197. Omit article 16.

198. In article 17—

(a) omit paragraph (i);

(b) in paragraph (ii) for "(4)" in both places substitute "(5)"; and

(c) for paragraph (iii) substitute—

"(iii) omit subsection (6).".

199. In article 18 after "sections" insert "133A and".

200. Omit articles 19 to 27 and the preceding heading (modification of Financial Services and Markets Tribunal Rules 2001).

SCHEDULE 4

Article 5(3)

Repeals and revocations

PART 1

Coming into force on 18th January 2010

Enactment repealed/revoked	*Reference*	*Extent of repeal/ revocation*
Immigration and Asylum Act 1999	1999 c. 33	Paragraph 97 of Schedule 14
Freedom of Information Act 2000	2000 c. 36	In Part 1 of Schedule 2, paragraphs 1(2), 2(2), 3(2), 5, 10(b), 11, 13(3) and 14(b), and in Part 2 of that Schedule, paragraphs 16 and 17
Health and Social Care Act 2001	2001 c. 15	Paragraphs 3 and 10 of Schedule 5
Constitutional Reform Act 2005	2005 c. 4	In Part 1 of Schedule 4, paragraphs 275, 285 and 291
National Health Service (Consequential Provisions) Act 2006	2006 c. 43	Paragraphs 54(d), 157(c) and 272 to 274 of Schedule 1
Tribunals, Courts and Enforcement Act 2007	2007 c.15	Paragraphs 30, 32, 43 and 44 of Schedule 10
Legal Services Act 2007	2007 c. 29	Paragraph 9 of Schedule 19
Transfer of Functions (Lord Advocate and Secretary of State) Order 1999	S.I. 1999/678	In the Schedule, the entry relating to section 6(4)(a) of the Data Protection Act 1998
Immigration Services Tribunal Rules 2000	S.I. 2000/2739	The whole of the Rules
Transfer of Functions (Miscellaneous) Order 2001	S.I. 2001/3500	In paragraph 6 of Schedule 2, sub-paragraphs (1)(bb) (in so far as it applies to paragraphs 13, 14 and 15 of Schedule 5 to the Data Protection Act 1998) and (3)
Family Health Services Appeal Authority (Procedure) Rules 2001	S.I. 2001/3750	The whole of the Rules
Immigration Services Tribunal (Amendment) Rules 2002	S.I. 2002/1716	The whole of the Rules
Family Health Services Appeal Authority (Procedure) (Amendment) Rules 2002	S.I. 2002/1921	The whole of the Rules
National Health Service Reform and Health Care Professions Act 2002 (Supplementary, Consequential, etc Provisions) Regulations 2002	S.I. 2002/2469	Paragraph 99 of Schedule 1, the entry relating to the Family Health Services Appeal Authority (Procedure) Rules 2001 in the table in Schedule 5, and Part 5 of Schedule 12
Secretary of State for Constitutional Affairs Order 2003	S.I. 2003/1887	In paragraph 9 of Schedule 2, sub-paragraphs (1)(a) (in so far as it applies to section 6(4)(c) of the Data Protection Act 1998), (1)(c) (in so far as it applies to paragraphs 13 to 15 of Schedule

		5 to the Data Protection Act 1998), (1)(d) and (2)
General Medical Services and Personal Medical Services Transitional and Consequential Provisions Order 2004	S.I. 2004/865	Paragraph 27 of Schedule 1
General Medical Services Transitional and Consequential Provisions (Wales) (No.2) Order 2004	S.I. 2004/1016 (W. 113)	Paragraph 25 of Schedule 1
Information Tribunal (National Security Appeals) Rules 2005	S.I. 2005/13	The whole of the Rules
Information Tribunal (Enforcement Appeals) Rules 2005	S.I. 2005/14	The whole of the Rules
Information Tribunal (Enforcement Appeals) (Amendment) Rules 2005	S.I. 2005/450	The whole of the Rules
National Health Service (Performers Lists) Amendment Regulations 2005	S.I. 2005/3491	Regulation 12(4)
General Dental Services, Personal Dental Services and Abolition of the Dental Practice Board Transitional and Consequential Provisions Order 2006	S.I. 2006/562	Paragraph 10 of Schedule 1
General Dental Services and Personal Dental Services Transitional and Consequential Provisions (Wales) Order 2006	S.I. 2006/946 (W. 95)	Paragraph 5 of Schedule 1
Lord Chancellor (Transfer of Functions and Supplementary Provisions) (No 2) Order 2006	S.I. 2006/1016	Paragraph 39 of Schedule 1
Judicial Appointments and Discipline (Modification of Offices) (No 2) Order 2006	S.I. 2006/1551	The whole of the Order
Gambling Appeals Tribunal Fees Regulations 2006	S.I. 2006/3287	The whole of the Regulations
Gambling Appeals Tribunal Rules 2006	S.I. 2006/3293	The whole of the Rules
Claims Management Services Tribunal Rules 2007	S.I. 2007/90	The whole of the Rules
Gambling Appeals Tribunal (Amendment) Rules 2007	S.I. 2007/577	The whole of the Rules
Parliamentary Commissioner Order 2007	S.I. 2007/3470	In Schedule 2, the entry relating to the Information Tribunal
Primary Ophthalmic Services Amendment, Transitional and Consequential Provisions Regulations 2008	S.I. 2008/1700	Paragraph 8 of Schedule 1
Employment and Support Allowance (Consequential Provisions) (No 3) Regulations 2008	S.I. 2008/1879	Regulation 19

PART 2

Coming into force on 6th April 2010

Enactment repealed/revoked	*Reference*	*Extent of repeal/ revocation*
Financial Services and Markets Act 2000	2000 c. 8	Paragraphs 1(b), 2(b), 6 and 7(2) and (3)(b) of Schedule 20
Pensions Act 2004	2004 c. 35	Section 34(d)
Constitutional Reform Act 2005	2005 c. 4	In Part 1 of Schedule 4, paragraph 286
Tribunals, Courts and Enforcement Act 2007	2007 c.15	Paragraphs 34 and 40 of Schedule 10
Pensions Act 2008	2008 c. 30	Section 44(5) to (9)
Financial Services and Markets Tribunal Rules 2001	S.I. 2001/2476	The whole of the Rules
Criminal Defence Service (General) (No.2) (Amendment) Regulations 2002	S.I. 2002/712	Regulations 4(b) and 5
Pensions Regulator Tribunal Rules 2005	S.I. 2005/690	The whole of the Rules
Criminal Defence Service (General) (No.2) (Amendment) Regulations 2005	S.I. 2005/2784	Regulation 5(1)
Lord Chancellor (Transfer of Functions and Supplementary Provisions) (No 2) Order 2006	S.I. 2006/1016	Paragraphs 25 to 28 of Schedule 1

SCHEDULE 5

Article 6

Transitional and saving provisions

Interpretation of Schedule 5

1. In this Schedule—

"old tribunal" means a tribunal, the functions of which are transferred by article 2, but does not include the Pensions Regulator Tribunal in respect of its functions exercisable in Northern Ireland;

"new tribunal" means—

(a) the Upper Tribunal, in respect of—

(i) the functions of the Financial Services and Markets Tribunal and the Pensions Regulator Tribunal;

(ii) the functions of the Information Tribunal of deciding appeals under section 28 of the Data Protection Act 1998(**a**) or section 60 of the Freedom of Information Act 2000(**b**) (including that section as applied and modified by regulation 18 of the Environmental Information Regulations 2004(**c**)) (appeals in relation to national security certificates);

(b) the First-tier Tribunal, in respect of—

(i) the tribunal functions mentioned in article 2(1);

(ii) the functions of the Information Tribunal other than those mentioned in paragraph (a)(ii);

"transfer date" means the date on which the functions of an old tribunal are transferred to a new tribunal by article 2.

Transitional and saving provisions

2. Any proceedings before an old tribunal which are pending immediately before the transfer date shall continue on and after the transfer date as proceedings before the new tribunal.

3.—(1) The following sub-paragraphs apply where proceedings are continued in a new tribunal by virtue of paragraph 2.

(2) Where a hearing began before the transfer date but was not completed by that date, the new tribunal must be comprised for the continuation of that hearing of the person or persons who began it.

(3) The new 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 the transfer date; 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 a tribunal.

(**a**) 1998 c. 29.
(**b**) 2000 c. 36.
(**c**) S.I. 2004/3391.

(5) Any direction or order given or made in proceedings which is in force immediately before the transfer date remains in force on and after that date as if it were a direction or order of the new tribunal.

(6) A time period which has started to run before the transfer date 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 for costs could have been made by the old tribunal before the transfer date.

4. Paragraph 5 applies where—

(a) an appeal lies to a court from any decision made by an old tribunal before the transfer date;

(b) that right of appeal has not been exercised; and

(c) the time to exercise that right of appeal has not expired prior to the transfer date.

5. In the circumstances set out at paragraph 4, such of the following provisions as is appropriate shall apply as if the decision were a decision made on or after the transfer date by the new tribunal—

(a) section 11 of the Tribunals, Courts and Enforcement Act 2007(**a**) (right to appeal to Upper Tribunal);

(b) section 13 of the Tribunals, Courts and Enforcement Act 2007 (right to appeal to Court of Appeal);

(c) section 78(9A) to (9D) or section 78B(4) to (7) of the Local Government Act 2000 (as inserted or amended by Schedule 2 to this Order)(**b**).

6. Any case to be remitted by a court on or after the transfer date and which, if it had been remitted before the transfer date, would have been remitted to an old tribunal, shall be remitted to the new tribunal.

7. Staff appointed to an old tribunal before the transfer date 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. A decision made by an old tribunal before the transfer date is to be treated on or after the transfer date as a decision of the new tribunal.

(**a**) 2007 c. 15.
(**b**) 2000 c. 22. Sections 78 and 78B are amended by paragraphs 60 and 62 of Schedule 2 to this Order.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under the Tribunals, Courts and Enforcement Act 2007 ("the 2007 Act"). Part 1 of the 2007 Act creates a new two tier tribunal structure; the First-tier Tribunal and the Upper Tribunal are established under section 3 of the 2007 Act. Order making powers are provided under Part 1 of the 2007 Act to enable existing tribunals to be transferred into the new structure. This Order effects the transfer into the new structure of various tribunal functions.

Transfer of functions and abolition of tribunals

Article 2 transfers the functions of various tribunals to the First-tier Tribunal and Upper Tribunal. Article 3 abolishes each of the tribunals whose functions are transferred, with the exception of the Pensions Regulator Tribunal. The functions of the Pensions Regulator Tribunal in Northern Ireland are not transferred, therefore the Pensions Regulator Tribunal is not abolished.

Transfer of members of tribunals

Article 4 provides for members of the tribunals whose functions are transferred to hold judicial offices in the First-tier Tribunal and Upper Tribunal. Schedule 1 sets out which tribunal members hold which offices in the new tribunals.

Consequential provisions

Paragraphs (1) to (3) of article 5 bring Schedules 2 to 4 into effect. Schedule 2 contains consequential amendments to primary legislation, Schedule 3 contains consequential amendments to secondary legislation, and Schedule 4 contains consequential repeals and revocations of legislation.

The majority of these amendments, repeals and revocations are made in consequence of the transfers of tribunal functions and members, and abolition of tribunals, effected by articles 2, 3 and 4. However paragraphs 11 and 73 of Schedule 2 and paragraph 147 of Schedule 3 relate to the transfer of the Lands Tribunal into the Upper Tribunal that was effected by the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307).

Transitional and saving provisions

Paragraph 4 of article 5 brings Schedule 5 into effect. Schedule 5 makes transitional and saving provisions for the treatment of cases which would previously have been dealt with by the tribunals, the functions of which have been transferred, and onward appeals from those tribunals, following the coming into force of this Order.

The Schedule provides for cases which have been started to be transferred to the First-tier Tribunal or Upper Tribunal; new proceedings will be started in the First-tier Tribunal or Upper Tribunal. In transferred cases the following provisions apply:

—a hearing which has already been commenced but not completed will need to be completed in the First-tier Tribunal or Upper Tribunal but comprised of the same members;

—directions and orders made prior to this Order coming into force will continue in force as if they were directions or orders of the First-tier Tribunal or Upper Tribunal;

—Tribunal Procedure Rules applicable to the First-tier Tribunal or Upper Tribunal will apply to all cases from the date of transfer, but the Tribunals will be able to disapply rules or apply the rules which applied to a case prior to the transfer, to ensure that proceedings are dealt with fairly;

—time limits which begin to run before this Order comes into force continue to apply after the Order comes into force; and

—the First-tier Tribunal or Upper Tribunal will only be able to make a costs order if and to the extent that the tribunal dealing with the case prior to transfer could have made such an order.

Appeals against the decisions of the tribunals, the functions of which have been transferred, are to be treated as appeals against the decisions of the First-tier Tribunal or Upper Tribunal, if the appeal right has not been exercised before this Order comes into force and the time for doing so has not expired.

A Regulatory Impact Assessment was prepared for the Tribunals, Courts and Enforcement Act 2007. This can be found at:

http://www.justice.gov.uk/publications/tribunalscourtsandenforcementact.htm

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