STATUTORY INSTRUMENTS

2010 No. 40

TRIBUNALS AND INQUIRIES

The First-tier Tribunal and Upper Tribunal (Chambers) (Amendment) Order 2010

Made - - - -	*10th January 2010*
Laid before Parliament	*12th January 2010*
Coming into force in accordance with articles 2 to 4	

The Lord Chancellor, with the concurrence of the Senior President of Tribunals, makes the following Order in exercise of the power conferred by section 7(1) and (9) of the Tribunals, Courts and Enforcement Act 2007(**a**).

Citation, commencement and interpretation

1. This Order may be cited as the First-tier Tribunal and Upper Tribunal (Chambers) (Amendment) Order 2010.

2. Articles 7, 11, 12, 13 and 15 of this Order come into force on 15 February 2010.

3. Articles 10 and 14 of this Order come into force on 6 April 2010.

4. Subject to articles 2 and 3 of this Order, this Order comes into force on 18 January 2010.

5. A reference to an article by number is a reference to that article in the First-Tier Tribunal and Upper Tribunal (Chambers) Order 2008(**b**).

Amendments to the First-tier Tribunal and Upper Tribunal (Chambers) Order 2008

6. The First-tier Tribunal and Upper Tribunal (Chambers) Order 2008 is amended as follows.

7. After article 2(e) insert—

"(f) the Immigration and Asylum Chamber.".

8. In article 3 (functions of the Social Entitlement Chamber)—

(a) in paragraph (c)—

(i) after "pregnancy grant," insert "and"; and

(ii) omit "and child trust funds"; and

(b) after paragraph (c) insert—

(**a**) 2007 c. 15.
(**b**) S.I. 2008/2684 as amended by S.I. 2009/196, S.I. 2009/1021 and S.I. 2009/1590.

"(ca) regarding saving gateway accounts with the exception of appeals against requirements to account for an amount under regulations made under section 14 of the Saving Gateway Accounts Act 2009(**a**);

(cb) regarding child trust funds with the exception of appeals against requirements to account for an amount under regulations made under section 22(4) Child Trust Funds Act 2004(**b**) in relation to section 13 of that Act;".

9. In article 5 (functions of the Health, Education and Social Care Chamber)—

(a) in paragraph (d) before "provision" insert "the"; and

(b) after paragraph (d) insert—

"(dd) an application in respect of, or an appeal against a decision related to, the provision of health care or health services;".

10. In article 5A (functions of the Tax Chamber) for "Finance and Tax" substitute "Tax and Chancery".

11. After article 5B (functions of the General Regulatory Chamber) insert—

"**Functions of the Immigration and Asylum Chamber of the First-tier Tribunal**

5C. To the Immigration and Asylum Chamber of the First-tier Tribunal are assigned all functions relating to immigration and asylum matters, except for matters assigned to —

(a) the Social Entitlement Chamber by article 3(a); and

(b) the General Regulatory Chamber by article 5B(a).".

12. After article 6(c) (Upper Tribunal chambers) insert—

"(d) the Immigration and Asylum Chamber of the Upper Tribunal.".

13. In article 7 (functions of the Administrative Appeal Chamber)—

(a) in paragraph (a)(i), after "article 8(1)(a)" insert "or the Immigration and Asylum Chamber of the Upper Tribunal by article 9A(a)"; and

(b) in paragraph (c), after "article 8(1)(d)" insert "or the Immigration and Asylum Chamber of the Upper Tribunal by article 9A(b)" .

14. In article 8(1) (functions of the Tax and Chancery Chamber)—

(a) after paragraph (a) insert—

"(aa) a reference or appeal 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**);

(ab) a reference in respect of a decision of the Pensions Regulator;"; and

(b) in sub-paragraph (e)(iv) after "Charity Commission" insert ", or one of the bodies mentioned in paragraph (aa) or (ab)".

15. After article 9 insert—

(**a**) 2009 c.8.
(**b**) 2004 c.6.
(**c**) 2009 c.1.

"**Functions of the Immigration and Asylum Chamber of the Upper Tribunal**

9A. To the Immigration and Asylum Chamber of the Upper Tribunal are assigned all functions relating to—

(a) an appeal against a decision of the First-tier Tribunal made in the Immigration and Asylum Chamber of the First-tier Tribunal; and

(b) a matter referred to the Upper Tribunal under section 9(5)(b) of the Tribunals, Courts and Enforcement Act 2007 by the Immigration and Asylum Chamber of the First-tier Tribunal.".

16. After article 10 (resolution of doubt or dispute as to chamber) insert—

"**Re-allocation of a case to another chamber**

11.—(1) Subject to paragraph (2), the Chamber President of the chamber to which a case has been assigned or allocated by or under this Order may allocate that case to another chamber within the same tribunal, by giving a direction to that effect.

(2) A Chamber President may give a direction under paragraph (1) only if the Chamber President of the chamber to which the case is to be allocated has first consented to the giving of the direction.

(3) A direction under paragraph (1) may be given at any point in the proceedings.".

By authority of the Lord Chancellor

Bridget Prentice
Parliamentary Under Secretary of State
Ministry of Justice

10th January 2010

I concur

Robert Carnwath
Senior President of Tribunals

16th December 2009

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the First-tier Tribunal and Upper Tribunal (Chambers) Order 2008 ("the 2008 Order"). The 2008 Order organised the First-tier Tribunal and Upper Tribunal into chambers and made provision for the allocation of those tribunals' functions between the chambers.

This Order amends and adds functions regarding appeals against requirements to account for an amount under regulations made under the Saving Gateway Accounts Act 2009 in the Social Entitlement Chamber.

This Order adds new functions relating to a decision of the Family Health Services Appeal Authority in the Health, Education and Social Care Chamber. It also adds new functions relating to a decision of the Financial Services Authority, the Bank of England, a person relating to the assessment of any compensation or consideration under the Banking (Special Provisions) Act 2008 or the Banking Act 2009, or the Pensions Regulator in the Tax and Chancery Chamber.

This Order also creates two new chambers for the purposes of the transfer of functions of the Asylum and Immigration Tribunal to the First-tier Tribunal and the Upper Tribunal. Cases previous heard by the Asylum and Immigration Tribunal will now be heard by the Immigration and Asylum Chamber of the First-tier Tribunal or the Immigration and Asylum Chamber of the Upper Tribunal.

Finally, this Order makes provision for a Chamber President to re-allocate a case to another chamber.

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£4.00

E5701 01/2010 105701T 19585