EXPLANATORY MEMORANDUM TO

THE FIRST-TIER TRIBUNAL AND UPPER TRIBUNAL (CHAMBERS) (AMENDMENT) ORDER 2014

2014 No. 1901

1. This explanatory memorandum has been prepared by the Ministry of Justice (MoJ) and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The First-tier Tribunal and Upper Tribunal (Chambers) (Amendment) Order 2014 ("the Chambers Order") amends the First-tier Tribunal and Upper Tribunal (Chambers) Order 2010 as a result of:

- further appeal rights relating to mobile homes and new appeal rights relating to caravan sites being conferred on the First-tier Tribunal; and
- the Financial Services Authority being abolished and replaced by new regulatory authorities.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 The Mobile Homes Act 2013 ("2013 Act") transferred certain appeal rights relating to the licensing of caravan sites from magistrates' courts to residential property tribunals by amending the Caravan Sites and Control of Development Act 1960 ("the 1960 Act"). Residential property tribunals, in relation to land in England, became part of the Property Chamber of the First-tier Tribunal when it was launched on 1 July 2013. The 2013 Act also added to the First-tier Tribunal's jurisdiction relating to mobile homes.

4.2 The Financial Services Act 2012 ("the 2012 Act") came into force on 1 April 2013. It abolished the Financial Services Authority and its responsibilities were then split between the Bank of England, the Financial Conduct Authority (FCA) and the Prudential Regulation Authority (PRU).

4.3 The Tax and Chancery Chamber of the Upper Tribunal determines references from or appeals against decisions of these regulatory authorities. These may be related to authorisation and permission, penalties for market abuse and disciplinary matters.

5. Territorial Extent and Application

5.1 The amending Order extends to the UK in order to reflect the territorial scope of the regulatory authorities' functions.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- ***What is being done and why***

7.1 Part 1 of the Tribunals, Courts and Enforcement Act 2007 ("the 2007 Act") created a two-tier tribunal system into which existing tribunals can be transferred, or new appeal rights directed. Section 3 of the 2007 Act established the First-tier Tribunal and the Upper Tribunal, which together make up this two-tier system.

7.2 Each Tribunal is divided into specialist Chambers. The Lord Chancellor or the Senior President of Tribunals may, with the agreement of the other, specify into which Chamber a particular type of case should be allocated. Each Chamber deals with appeals relating to a different subject area e.g. health, immigration and asylum or property. Appeals that are transferred or introduced into the unified tribunals system are allocated to the Chamber which deals with broadly similar subject matters.

- ***Consolidation***

7.3 An informally consolidated version of "The First-tier Tribunal and Upper Tribunal (Chambers) Order 2010 (S.I. 2010/2655)" which incorporates all of the amendment Statutory Instruments (SIs) into the original SI can be found on the Justice website at:
http://www.justice.gov.uk/downloads/tribunals/general/si-2010-2655.pdf.

8. Consultation outcome

8.1 No public consultation has been undertaken in relation to the amendments made by the Chambers Order for the following reasons:

- With regard to the FCA and PRA, these are technical changes to confirm the statutory regulatory replacements for the Financial Services Authority abolished in April 2013; and
- With regard to the Property Chamber, this already hears cases relating to mobile home and caravan sites and has specialist judicial expertise to deal with these disputes.

9. Guidance

9.1 HM Courts & Tribunals Service (HMCTS) produces guidance for all tribunal jurisdictions which is issued to parties at key stages of the appeals process and is available on the Justice website.

9.2 The guidance on the Property Chamber section of the website will be updated in July 2014 to include information about the extension of appeal rights relating to mobile homes.

9.3 The guidance on the Tax and Chancery section of the website has been amended to take account of the changes to the regulatory bodies.

10. Impact

10.1 As the impact on business, charities, voluntary bodies and the public sector is nil an impact assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not impact on small businesses.

12. Monitoring & review

12.1 The Ministry of Justice will keep the Chambers Order under review.

13. Contact

13.1 Paula Waldron, at the Ministry of Justice can answer any queries about this Order. Telephone 0203 335 4027 or email: paula.waldron@justice.gsi.gov.uk.