



Tribunals Judiciary

Social Security Commissioners – Child Support Commissioners – Pensions Appeal Commissioners

Mark Rowland
Commissioner



2001 Leggatt Report

Tribunals for Users: One System, One Service

2004 White Paper

2005 Draft Bill

2006 Tribunals, Courts and Enforcement Bill

19 Jul 2007 Royal Assent

22 Nov 2007 Consultation on implementation

19 May 2008 Response to consultation

3 Nov 2008 T-Day



Part 1 of the Tribunals, Courts and Enforcement Act 2007

- Independence of the tribunals judiciary
- Transfer of tribunal functions to two new tribunals
- Judicial offices in tribunals
- Powers of the new tribunals conferred by the Act
- Tribunal Procedural Rules



Constitutional Reform

Independence of the Tribunal Judiciary (s. 1)

Senior President of Tribunals (s. 2)

Transfer of Ministerial responsibility for tribunals to the
Lord Chancellor (s. 35)

Transfer of rule-making powers to the Lord Chancellor or
the Tribunal Procedure Committee (s. 36)



Transfer of functions of tribunals (s.30)

First-tier Tribunal

- Social Entitlement Chamber
- Health, Education and Social Care Chamber
- General Regulatory Chamber
- Tax Chamber
- Property and Housing Chamber

Upper Tribunal

- Administrative Appeals Chamber
- Finance and Tax Chamber
- Lands Chamber

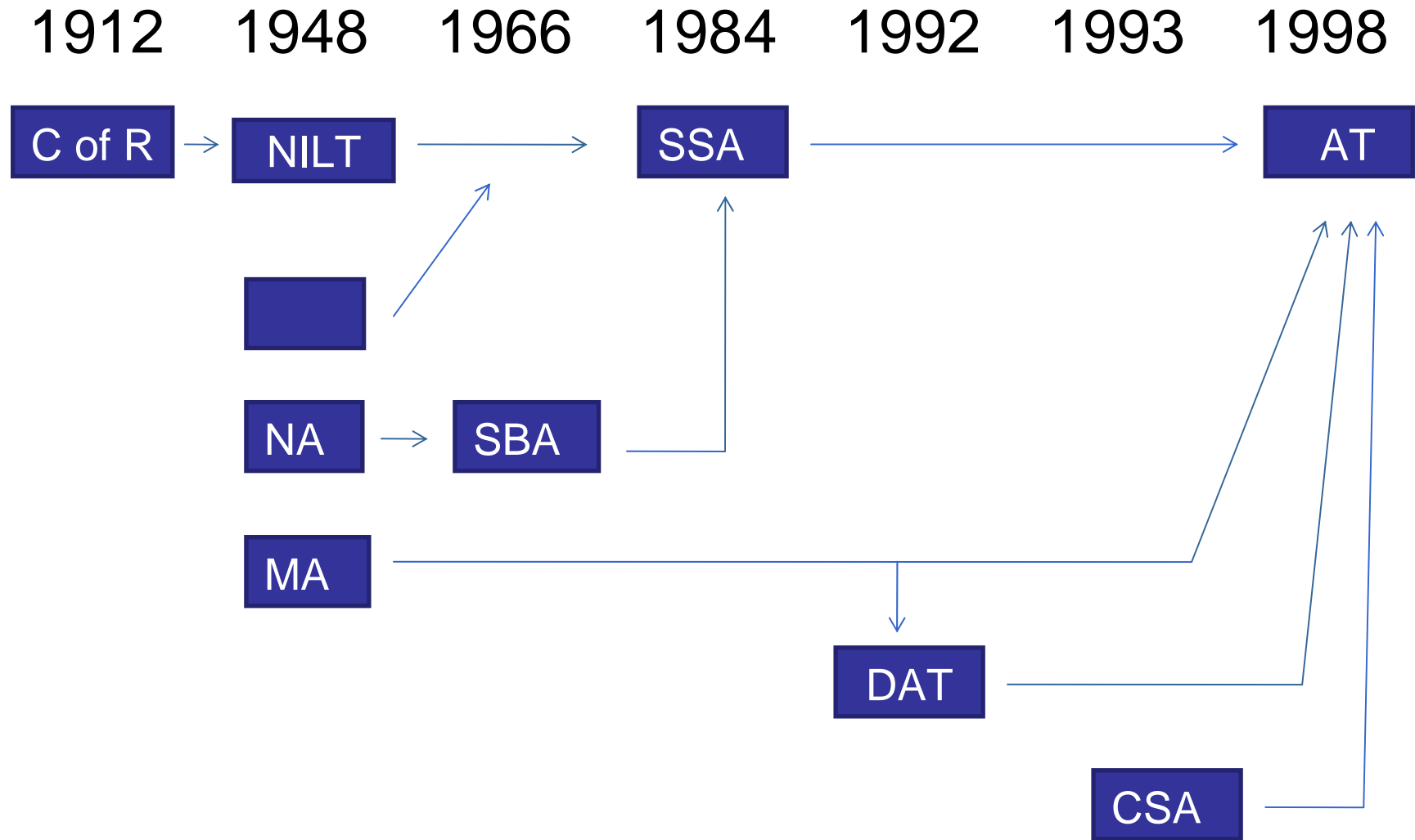
First-tier Tribunal (Social Entitlement Chamber)

- Appeal tribunals constituted under the SSA 1998
- Pensions Appeal Tribunal (E&W)
- Criminal Injuries Compensation Appeal Panel
- Asylum Support Tribunal (Adjudicators)

President: His Honour Judge Robert Martin



Tribunals Judiciary





Upper Tribunal (Administrative Appeals Chamber)

Appeals from –

First-tier Tribunal (Social Entitlement Chamber), except
criminal injuries compensation and asylum support cases

First-tier Tribunal (Health, Education and Social Care)
Chamber

First-tier Tribunal (General Regulatory Chamber)

Pensions Appeal Tribunals for Scotland

Pensions Appeal Tribunals for Northern Ireland
(assessment cases only)

Mental Health Review Tribunal for Wales

Special Educational Needs Tribunal for Wales

Independent Safeguarding Authority

References under the Forfeiture Act 1982



Tribunals Judiciary

Senior President of Tribunals

Chamber Presidents

Judges of the Upper Tribunal

Deputy Judges of the Upper Tribunal

Members of the Upper Tribunal

Judges of the First-tier Tribunal

Members of the First-tier Tribunal



Tribunals Judiciary

Ticketing within a chamber

Assignment between chambers

Judicial assistance between tribunals

Judicial assistance from the courts



Tribunals Judiciary

Reviews (ss. 9 and 10)

Appeals (ss. 11 to 14)

Judicial Review (ss. 15 to 21)

Punishment for contempt of court (s. 25 and para 10(3) of Sch. 5)

Costs (or, in Scotland, expenses) (s.29)

No costs or expenses in the First-tier Tribunal

Wasted costs orders only in the Upper Tribunal



Tribunals Judiciary

- Rules (s. 22) – Tribunal Procedure Committee
- Practice directions (s. 23) – SPT or Chamber President
- Directions – a tribunal
 - Standard*
 - Case-specific*



Tribunal Procedure Committee

SPT or his nominee (Sir Patrick Elias)

4 people appointed by the Lord Chancellor

3 with experience of tribunals (as a representative or advisor)

1 nominated by the AJTC

3 people appointed by the Lord Chief Justice of England and Wales

1 Judge of the Upper Tribunal

1 Judge of the First-tier Tribunal

1 Member of either tribunal

1 person appointed by the Lord President of the Court of Session

Up to 4 others appointed at the request of the SPT



Tribunals Judiciary

Draft First-tier Tribunal (Social Entitlement Chamber) Rules 2008

Draft Upper Tribunal Rules 2008

www.tribunalprocedurecommittee.gov.uk



Terminology (e.g., hearing means an oral hearing)

Overriding objective (r. 2)

A hearing of any issue is possible (e.g., a set aside application or strike out) (r. 5(3)(f))

Automatic strike outs (r. 8(1))

Time limit for the response to an appeal (r. 27(1)(b))



Tribunals Judiciary

Social Security Commissioners – Child Support Commissioners – Pensions Appeal Commissioners

Mark Rowland
Commissioner