

## **PUBLIC BODIES ACT CONSENT MEMORANDUM**

### **The Public Bodies (Abolition of Administrative Justice and Tribunals Council) Order 2013**

#### **Draft Public Bodies Act Consent Motion**

1. The draft motion to be lodged by the Minister for Community Safety and Legal Affairs is:

“That the Parliament consents to the making of the Public Bodies (Abolition of Administrative Justice and Tribunals Council) Order 2013, a draft of which was laid before the United Kingdom Parliament on 18 December 2012 and which makes provision which would be within the legislative competence of the Parliament if it were contained within an Act of that Parliament.”

2. This memorandum has been lodged by the Minister for Community Safety and Legal Affairs in accordance with Standing Orders under Chapter 9BA.

#### **Background**

##### *Public Bodies Act 2011*

3. The UK Public Bodies Act 2011 (“the 2011 Act”) gives UK Ministers the authority (via order making powers) to abolish, merge or transfer the functions of public bodies listed in its schedules, and some of those bodies operate in both the reserved and devolved areas. Section 9 of the 2011 Act acknowledges the scope for incursion into devolved interests by requiring orders that include provision falling within devolved competence to be consented to by Holyrood.

4. Chapter 9BA of Parliament’s Standing Orders set out the arrangements for handling requests for consent to orders triggering section 9 of the 2011 Act.

##### *The Administrative Justice and Tribunals Council*

5. The Administrative Justice and Tribunals Council (AJTC) and its Scottish Committee was established by section 44 of, and Schedule 7 to, the Tribunals, Courts and Enforcement Act 2007. It replaced the Council on Tribunals (and its Scottish Committee) which was established by section 1 of the Tribunals and Inquiries Act 1992. The AJTC is specified as a cross border authority by the Scotland Act 1998 (Cross-Border Public Authorities) (Specification) Order 1999 (SI 1999/1319). It provides UK and Scottish Ministers with expert advice on the administrative justice system and performs supervisory functions over specified tribunals, both reserved and devolved.

6. The AJTC, including its Scottish Committee, is to be abolished under provisions included in the 2011 Act. This will, therefore, remove any requirements on the Scottish Ministers to consult with the Scottish Committee of the AJTC before making procedural rules for any of the listed tribunals and will remove any rights of the members of the Scottish Committee to attend their proceedings as an observer.

7. On being consulted in June 2010 on the proposed abolition by Secretary of State for Justice, in advance of the public consultation, the Scottish Ministers raised no objection to the proposal. The Cabinet Secretary for Justice wrote in August 2011 to the Secretary of State, noting that he was content for the AJTC and its Scottish Committee to be abolished, and has been considering what the Scottish Government may wish to put in its place. The Minister for Community Safety wrote to the Justice Committee in September 2012 confirming the Scottish Government's intention to create a non-statutory advisory committee following abolition as an interim measure to allow consideration of longer-term options.

#### *UK Government reform proposal*

8. The UK Government wishes to abolish the AJTC including its Scottish Committee. This is part of their commitment to reduce the number and cost of arms length bodies.

#### *Implications for Scotland*

9. Under the UK Government's reforms, the Scottish Committee of the AJTC would be abolished. This would remove its functions in relation to devolved matters for tribunals listed in the 2007 Order.

#### **Scottish Government position**

10. The Scottish Government does not object to the abolition of the AJTC and therefore supports this Order which has been laid before the United Kingdom Government. The Scottish Government considers that, since the Scottish Civil Justice Council and Criminal Legal Assistance Bill, the Tribunals (Scotland) Bill and forthcoming legislation to reform the tribunals landscape will be comprehensively reforming the administrative justice system in Scotland, there is no longer a requirement to retain the supervisory functions of the AJTC.

11. Further, the Scottish Government intends to create an interim non-statutory advisory committee following abolition to provide expert advice to the Scottish Ministers in the context of administrative justice. We are currently working with the Scottish Committee to consider remit, functions and membership. The interim body will allow time for full consideration of longer-term options to support the administrative justice landscape and the new tribunals system in Scotland.

## **The draft Public Bodies (Abolition of Administrative Justice and Tribunals Council) Order 2013**

12. The Ministry of Justice is promoting the AJTC Order under sections 1, 6(1) and (5) and 35(2) of the 2011 Act. A copy of the Order and its accompanying material, as laid at Westminster, is provided at Annex A. The AJTC Order will abolish the AJTC and make consequential amendment to legislation to that effect.

13. As the Order provides for the abolition of the Scottish Committee of the AJTC, it requires the consent of the Scottish Parliament as the relevant provision would be within the legislative competence of the Scottish Parliament if contained in an Act of that Parliament.

### **Consultation**

14. Section 10 of the 2011 Act requires the UK Minister proposing an order to consult on the proposed changes.

15. The UK Government undertook a consultation on the proposals for the abolition of the AJTC. The majority of respondents favoured its retention, arguing that the AJTC's functions cannot be performed effectively by a Government department. The UK Governments response indicated their intent to proceed with abolition.

### **Financial / Resource Implications**

16. The Scottish Government provide the accommodation of the AJTC's Scottish Committee. All other operating costs are met from UK funds. The Ministry of Justice has confirmed they will provide £50,000 per annum for the next two years to the Scottish Government to support the work of the new advisory committee.

### **Conclusion**

17. The Scottish Government invites the Parliament to consent to the making of the Public Bodies (Abolition of Administrative Justice and Tribunals Council) Order 2013, a draft of which was laid before the UK Parliament on 18 December 2012.

Scottish Government  
January 2013



### **Citation, commencement and extent**

1.—(1) This Order may be cited as the Public Bodies (Abolition of Administrative Justice and Tribunals Council) Order 2012.

(2) Subject to paragraph (3), this Order comes into force on whichever is the later of 31st December 2012 or the day after the date on which it is made.

(3) Paragraph 41(a) of the Schedule comes into force on the day after that on which the other provisions of this Order come into force.

(4) Amendments, repeals and revocations in this Order have the same extent as the provisions amended, repealed or revoked.

### **Abolition of the Administrative Justice and Tribunals Council**

2.—(1) The Administrative Justice and Tribunals Council is abolished.

(2) The Schedule (which makes consequential provision etc) has effect.

Date	<i>Name</i> Parliamentary Under Secretary of State Ministry of Justice
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## SCHEDULE

Article 2(2)

### Consequential provision etc

#### **Chronically Sick and Disabled Persons Act 1970**

1. In the Chronically Sick and Disabled Persons Act 1970<sup>(4)</sup>, in section 21(7E) (badges for display on motor vehicles used by disabled persons), omit “but the Secretary of State shall consult with the Administrative Justice and Tribunals Council before making regulations that so provide”.

#### **Health and Safety at Work etc Act 1974**

2. In the Health and Safety at Work etc Act 1974<sup>(5)</sup>, omit section 44(4A) (appeals in connection with licensing provisions in the relevant statutory provisions).

#### **House of Commons Disqualification Act 1975**

3. The House of Commons Disqualification Act 1975<sup>(6)</sup> is amended as follows.

4. In Part 2 of Schedule 1 (bodies of which all members are disqualified), omit the entries for—

- (a) the Administrative Justice and Tribunals Council;
- (b) the Scottish Committee of the Administrative Justice and Tribunals Council; and
- (c) the Welsh Committee of the Administrative Justice and Tribunals Council.

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<sup>(4)</sup> 1970 c.44. Section 21(7E) was inserted by the Transport Act 1982 (c.49), section 68, and was amended by the Tribunals, Courts and Enforcement Act 2007 (c.15), Schedule 8, paragraph 2.

<sup>(5)</sup> 1974 c.37. Section 44(4A) was inserted by the Tribunals, Courts and Enforcement Act 2007, Schedule 8, paragraph 3.

<sup>(6)</sup> 1975 c.24. These three entries were inserted by the Tribunals, Courts and Enforcement Act 2007, Schedule 8, paragraph 4.

## **Town and Country Planning Act 1990**

5. In the Town and Country Planning Act 1990<sup>(7)</sup>, omit—
- (a) paragraph 8(1A) of Schedule 6 (determination of certain appeals by person appointed by Secretary of State);
  - (b) paragraph 8(7) of Schedule 7 (simplified planning zones); and
  - (c) paragraph 5(3A) of Part 1 of Schedule 8 (constitution and procedure on references).

## **Social Security Administration Act 1992**

6. The Social Security Administration Act 1992<sup>(8)</sup> is amended as follows.
7. In Part 2 of Schedule 4 (construction of references to government departments etc), in paragraph 3 omit—
- (a) paragraph (b) and the preceding “or”;
  - (b) the words after paragraph (b).
8. In Schedule 7 (regulations not requiring prior submission), omit paragraphs 9 and 14.

## **Transport and Works Act 1992**

9. In the Transport and Works Act 1992<sup>(9)</sup>, omit section 23(9A) (exercise of Secretary of State’s functions by appointed person).

## **Tribunals and Inquiries Act 1992**

10. The Tribunals and Inquiries Act 1992<sup>(10)</sup> is amended as follows.
11. In section 9 (procedure in connection with statutory inquiries)—
- (a) in subsection (1), omit “, after consultation with the Council,”;
  - (b) omit subsection (3A); and
  - (c) omit subsection (4)(b) and the preceding “and”.
12. In section 10 (reasons to be given for decisions of tribunals and Ministers)—
- (a) in subsection (7), omit “, after consultation with the Council,”;
  - (b) in subsection (8), omit “made after consultation with the Council”.
13. In section 16 (interpretation), omit the entries for—
- (a) “Council”;
  - (b) “Scottish Committee”; and

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<sup>(7)</sup> 1990 c.8. Paragraph 8(1A) of Schedule 6, paragraph 8(7) of Schedule 7 and paragraph 5(3A) of Schedule 8 were inserted by the Tribunals, Courts and Enforcement Act 2007, Schedule 8, paragraphs 9 to 12.

<sup>(8)</sup> 1992 c.5. Paragraph 3(b) of Schedule 4 has been amended by the Tribunals, Courts and Enforcement Act 2007, Schedule 8, paragraphs 17 and 18; the words after paragraph (b) were inserted by the Transfer of Tribunal Functions Order 2008 (S.I 2008/2833), Schedule 3, paragraphs 101 and 104(5)(d). Paragraphs 9 and 14 of Schedule 7 have been amended by the Tribunals, Courts and Enforcement Act 2007, Schedule 8, paragraphs 17 and 19.

<sup>(9)</sup> 1992 c.42. Section 23(9A) was inserted by the Tribunals, Courts and Enforcement Act 2007, Schedule 8, paragraphs 20 and 22(1) and (3).

<sup>(10)</sup> 1992 c.53. Section 9(3A) was inserted by the Tribunals, Courts and Enforcement Act 2007, Schedule 8, paragraphs 23 and 28. Sections 9(4), 10(7) and 10(8) have been amended by the Schedule to the Transfer of Functions (Lord Advocate and Secretary of State) Order 1999 (S.I 1999/678). The three definitions in section 16 were substituted by the Tribunals, Courts and Enforcement Act 2007, Schedule 8, paragraphs 23 and 30(a), (c) and (d).

(c) “Welsh Committee”.

**14.** In Schedule 1 (tribunals under general supervision of Council)—

- (a) in the heading to Schedule 1, for “Tribunals Under General Supervision of Council” substitute “Tribunals to which this Act Applies”;
- (b) in the heading to Part 1, for “Tribunals Under Direct Supervision of the Council” substitute “Tribunals – General”; and
- (c) in the heading to Part 2, for “Tribunals Under Supervision of Scottish Committee” substitute “Scottish Tribunals”.

### **Pension Schemes Act 1993**

**15.** In the Pension Schemes Act 1993<sup>(11)</sup>, omit section 185(8) (consultation about other regulations).

### **Law of Property (Miscellaneous Provisions) Act 1994**

**16.** In the Law of Property (Miscellaneous Provisions) Act 1994<sup>(12)</sup>, in section 17(3) (notices affecting land: absence of knowledge of intended recipient’s death)—

- (a) in paragraph (b)—
  - (i) for “is” substitute “was”; and
  - (ii) after “(functions etc of Administrative Justice and Tribunals Council)” insert “immediately before the coming into force of the repeal of that Schedule”;
- (b) for the words “within” to “2007” substitute “of any tribunal referred to in sub-paragraph (b)”.

### **Town and Country Planning (Scotland) Act 1997**

**17.** In the Town and Country Planning (Scotland) Act 1997<sup>(13)</sup>, omit—

- (a) paragraph 5(4A) of Schedule 6 (planning inquiry commissions); and
- (b) paragraph 8(4A) of Schedule 7 (joint planning inquiry commissions).

### **School Standards and Framework Act 1998**

**18.** In the School Standards and Framework Act 1998<sup>(14)</sup>, in paragraph 47 of Schedule 30 (minor and consequential amendments), for “tribunals under general supervision of Council on Tribunals” substitute “tribunals to which that Act applies”.

### **Greater London Authority Act 1999**

**19.** In the Greater London Authority Act 1999<sup>(15)</sup>, omit section 338(10) (examination in public).

### **Welfare Reform and Pensions Act 1999**

**20.** In the Welfare Reform and Pensions Act 1999<sup>(16)</sup>, in Schedule 11 (contributions and pensions administration), omit paragraph 23.

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<sup>(11)</sup> 1993 c.48. Section 185(8) has been amended by the Welfare Reform and Pensions Act 1999 (c.30), Schedule 11, paragraphs 20 and 23, and the Tribunals, Courts and Enforcement Act 2007, Schedule 8, paragraph 32.

<sup>(12)</sup> 1994 c.36. Relevant amendments have been made to section 17(3) by the Tribunals, Courts and Enforcement Act 2007, Schedule 8, paragraph 33.

<sup>(13)</sup> 1997 c.8. Paragraph 5(4A) of Schedule 6 and paragraph 8(4A) of Schedule 7 were inserted by the Tribunals, Courts and Enforcement Act 2007, Schedule 8, paragraphs 49 to 51.

<sup>(14)</sup> 1998 c.31. There has been an amendment to paragraph 47 which is not relevant to this Order.

<sup>(15)</sup> 1999 c.29. Section 338(10) was substituted by the Tribunals, Courts and Enforcement Act 2007, Schedule 8, paragraph 52.

## **Freedom of Information Act 2000**

21. The Freedom of Information Act 2000<sup>(17)</sup> is amended as follows.
22. In Part 6 of Schedule 1 (other public bodies and offices: general), omit the entries for—
- (a) the Administrative Justice and Tribunals Council;
  - (b) the Scottish Committee of the Administrative Justice and Tribunals Council; and
  - (c) the Welsh Committee of the Administrative Justice and Tribunals Council.

## **Education Act 2002**

23. In the Education Act 2002<sup>(18)</sup>, in paragraph 22 of Schedule 21 (minor and consequential amendments), for “tribunals under general supervision of Council on Tribunals” substitute “tribunals to which that Act applies”.

## **Title Conditions (Scotland) Act 2003**

24. The Title Conditions (Scotland) Act 2003<sup>(19)</sup> is amended as follows.
25. In section 104 (taking effect of orders of Lands Tribunal etc), in subsection (1), omit “, after consultation with the Scottish Committee of the Administrative Justice and Tribunals Council,”.
26. In section 126 (fees chargeable by Lands Tribunal in relation to functions under this Act), omit “, after consultation with the Scottish Committee of the Administrative Justice and Tribunals Council,”.

## **Gender Recognition Act 2004**

27. The Gender Recognition Act 2004<sup>(20)</sup> is amended as follows.
28. In Schedule 1 (gender recognition panels)—
- (a) in paragraph 6(5), omit “, after consulting the Administrative Justice and Tribunals Council, ”;
  - (b) for the heading which immediately precedes paragraph 9, substitute “Tribunals and Inquiries Act 1992”;
  - (c) in paragraph 9, for “tribunals under supervision of Council on Tribunals” substitute “tribunals to which that Act applies”.

## **Civil Contingencies Act 2004**

29. In the Civil Contingencies Act 2004<sup>(21)</sup>, omit section 25 (establishment of tribunal).

## **Serious Organised Crime and Police Act 2005**

30. In the Serious Organised Crime and Police Act 2005<sup>(22)</sup>, in paragraph 62 of Schedule 4 (minor and consequential amendments relating to SOCA), for “tribunals under supervision of Council on Tribunals” substitute “tribunals to which that Act applies”.

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<sup>(16)</sup> 1999 c.30.

<sup>(17)</sup> 2000 c.36. These three entries were inserted by the Tribunals, Courts and Enforcement Act 2007, Schedule 8, paragraph 53.

<sup>(18)</sup> 2002 c.32.

<sup>(19)</sup> 2003 asp 9. Sections 104(1) and 126 have been amended by the Tribunals, Courts and Enforcement Act 2007, Schedule 8, paragraphs 56 to 58.

<sup>(20)</sup> 2004 c.7. Paragraph 6(5) of Schedule 1 has been amended by the Tribunals, Courts and Enforcement Act 2007, Schedule 8, paragraph 60.

<sup>(21)</sup> 2004 c.36. Section 25 has been amended by the Tribunals, Courts and Enforcement Act 2007, Schedule 8, paragraph 61.

<sup>(22)</sup> 2005 c.15.



### **Tribunals, Courts and Enforcement Act 2007**

31. The Tribunals, Courts and Enforcement Act 2007<sup>(23)</sup> is amended as follows.
32. In section 42 (fees)—
- (a) omit subsection (5)(b) and the preceding “and”;
  - (b) omit subsection (10).
33. Omit section 44 (the Administrative Justice and Tribunals Council).
34. Omit section 45 (abolition of the Council on Tribunals).
35. In Part 2 of Schedule 5 (Tribunal Procedure Committee), in paragraph 21—
- (a) omit sub-paragraph (1)(b) and the preceding “and”;
  - (b) omit sub-paragraph (3).
36. Omit Schedule 7 (Administrative Justice and Tribunals Council).
37. In Schedule 8 (tribunals and inquiries: consequential and other amendments)—
- (a) in paragraph 30, omit sub-paragraphs (a), (c) and (d); and
  - (b) omit paragraphs 2, 3, 9 to 12, 17 to 19, 22(3), 28, 32, 33(3), 49 to 53, 56 to 58, 60 and 61.

### **Legal Services Act 2007**

38. The Legal Services Act 2007<sup>(24)</sup> is amended as follows.
39. In section 207 (interpretation) in the definition of “court”, in paragraph (a)—
- (a) for “is” substitute “was”; and
  - (b) at the end, insert “immediately before the coming into force of the repeal of that Schedule”.

### **Planning Act 2008**

40. In the Planning Act 2008<sup>(25)</sup>—
- (a) in section 95 (hearings: disruption, supervision and costs), omit subsection (3); and
  - (b) in section 97(1) (procedure rules), omit “, after consultation with the Administrative Justice and Tribunals Council.”.

### **Public Bodies Act 2011**

41. In the Public Bodies Act 2011<sup>(26)</sup>, omit the entry “Administrative Justice and Tribunals Council.” in each of—
- (a) Schedule 1 (power to abolish: bodies and offices);
  - (b) Schedule 3 (power to modify constitutional arrangements: bodies and offices);
  - (c) Schedule 4 (power to modify funding arrangements: bodies and offices); and
  - (d) Schedule 5 (power to modify or transfer functions: bodies and offices).

### **Children’s Hearings (Scotland) Act 2011**

42. In the Children’s Hearings (Scotland) Act 2011<sup>(27)</sup>, omit section 78(1)(g) (rights of certain persons to attend children’s hearing).

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<sup>(23)</sup> 2007 c.15.

<sup>(24)</sup> 2007 c.29.

<sup>(25)</sup> 2008 c.29.

<sup>(26)</sup> 2011 c.24.

### **National Health Service (Service Committees and Tribunal) Regulations 1992**

43. The National Health Service (Service Committees and Tribunal) Regulations 1992<sup>(28)</sup> are amended as follows.

44. In regulation 10 (procedure on appeal), in paragraph (10), omit “Subject to the provisions of regulation 33 (attendance by representative of Administrative Justice and Tribunals Council),”.

45. Omit regulation 33 (attendance by member of Administrative Justice and Tribunals Council).

46. In Schedule 4 (procedure for investigation by discipline committees), in paragraph 5(1), omit “Subject to the provisions of regulation 33 (attendance by representative of Administrative Justice and Tribunals Council),”.

### **Deregulation (Model Appeal Provisions) Order 1996**

47. In the Deregulation (Model Appeal Provisions) Order 1996<sup>(29)</sup>, in the Schedule (model rules for appeals), omit—

- (a) paragraph 6(9) (appointment of tribunal); and
- (b) paragraph 37 (supervision by the Administrative Justice and Tribunals Council).

### **Scotland Act 1998 (Cross-Border Public Authorities) (Specification) Order 1999**

48. The Scotland Act 1998 (Cross-Border Public Authorities) (Specification) Order 1999<sup>(30)</sup> is amended as follows.

49. In the Schedule, omit the entry “Administrative Justice and Tribunals Council” in column 1, and the corresponding entry in column 2.

### **Scotland Act 1998 (Cross-Border Public Authorities) (Adaptation of Functions etc.) Order 1999**

50. The Scotland Act 1998 (Cross-Border Public Authorities) (Adaptation of Functions etc) Order 1999<sup>(31)</sup> is amended as follows.

51. In Schedule 1 (cross-border public authorities), omit the entries for—

- (a) the Administrative Justice and Tribunals Council; and
- (b) the Scottish Committee of the Administrative Justice and Tribunals Council.

### **Seeds (National Lists of Varieties) Regulations 2001**

52. In the Seeds (National Lists of Varieties) Regulations 2001<sup>(32)</sup>, in regulation 16 (representations and hearings), omit paragraph (4)(c)(ii) and the preceding “and”.

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<sup>(27)</sup> 2011 asp 1.

<sup>(28)</sup> S.I 1992/664. Regulation 10(10), regulation 33 and paragraph 5(1) of Schedule 4 have been amended by the Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I 2008/2683).

<sup>(29)</sup> S.I 1996/1678. Paragraphs 6(9) and 37 of the Schedule have been amended by the Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008; paragraph 6(9) has also been amended by the Transfer of Functions (Lord Advocate and Secretary of State) Order 1999 (S.I 1999/678).

<sup>(30)</sup> S.I 1999/1319. This entry in the Schedule was inserted by the Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008.

<sup>(31)</sup> S.I 1999/1747. These two entries were inserted into Schedule 1 by the Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008.

<sup>(32)</sup> S.I 2001/3510. Regulation 16(4) has been amended by the Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008.

### **Parole Board (Scotland) Rules 2001**

**53.** In the Parole Board (Scotland) Rules 2001<sup>(33)</sup>, in rule 26(2) (attendance at hearing)—

- (a) at the end of sub-paragraph (f), insert “or”; and
- (b) omit sub-paragraph (h) and the preceding “or”.

### **Leasehold Valuation Tribunals (Procedure) (England) Regulations 2003**

**54.** In the Leasehold Valuation Tribunals (Procedure) (England) Regulations 2003<sup>(34)</sup>, omit regulation 21 (attendance by member of Administrative Justice and Tribunals Council).

### **Adjudicator to Her Majesty’s Land Registry (Practice and Procedure) Rules 2003**

**55.** In the Adjudicator to Her Majesty’s Land Registry (Practice and Procedure) Rules 2003<sup>(35)</sup>, in rule 30 (site inspections)—

- (a) in paragraph (1), in the definition of “a request for entry”, omit sub-paragraph (c) and the preceding “and”;
- (b) in paragraph (4), omit “and any member of the Administrative Justice and Tribunals Council”; and
- (c) omit paragraph (6).

### **Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004**

**56.** In the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004<sup>(36)</sup>, omit paragraph 9(2) of Schedule 2 (the Employment Tribunals (National Security) Rules of Procedure).

### **National Health Service (Tribunal) (Scotland) Regulations 2004**

**57.** In the National Health Service (Tribunal) (Scotland) Regulations 2004<sup>(37)</sup>, omit regulation 33 (attendance by member of Administrative Justice and Tribunals Council).

### **Pension Protection Fund (Review and Reconsideration of Reviewable Matters) Regulations 2005**

**58.** In the Pension Protection Fund (Review and Reconsideration of Reviewable Matters) Regulations 2005<sup>(38)</sup>, omit regulation 27 (meetings of the Reconsideration Committee).

### **Pension Protection Fund (PPF Ombudsman) Order 2005**

**59.** In the Pension Protection Fund (PPF Ombudsman) Order 2005<sup>(39)</sup>, omit paragraph (2)(k) of article 7 (restrictions on the disclosure of information) and the preceding “and”.

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<sup>(33)</sup> S.S.I 2001/315. Rule 26(2) has been amended by the Parole Board (Scotland) (Amendment) Rules 2010 (S.S.I 2010/164).

<sup>(34)</sup> S.I 2003/2099. Regulation 21 was substituted by the Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008.

<sup>(35)</sup> S.I 2003/2171. Rule 30 has been amended by the Adjudicator to Her Majesty’s Land Registry (Practice and Procedure) (Amendment) Rules 2008 (S.I 2008/1731).

<sup>(36)</sup> S.I 2004/1861. Paragraph 9(2) of Schedule 2 has been amended by the Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008.

<sup>(37)</sup> S.S.I 2004/38. Regulation 33 has been amended by the National Health Service (Tribunal) (Scotland) Amendment Regulations 2010 (S.S.I 2010/227).

<sup>(38)</sup> S.I 2005/669. Regulation 27 has been amended by the Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008.

<sup>(39)</sup> S.I 2005/824. Article 7(2)(k) was inserted by the Pension Protection Fund (PPF Ombudsman) Amendment Order 2005 (S.I 2005/2023) and has been amended by the Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008.

## **Pension Protection Fund (Reference of Reviewable Matters to the PPF Ombudsman) Regulations 2005**

60. In the Pension Protection Fund (Reference of Reviewable Matters to the PPF Ombudsman) Regulations 2005<sup>(40)</sup>, omit regulation 14 (attendance at proceedings by member of Administrative Justice and Tribunals Council).

## **Financial Assistance Scheme (Appeals) Regulations 2005**

61. In the Financial Assistance Scheme (Appeals) Regulations 2005<sup>(41)</sup>, omit—

- (a) regulation 21 (attendance at proceedings by member of Administrative Justice and Tribunals Council); and
- (b) regulation 28(3)(l) (restriction on use of documents and information provided for investigations).

## **Mental Health Tribunal for Scotland (Practice and Procedure) (No. 2) Rules 2005**

62. In the Mental Health Tribunal for Scotland (Practice and Procedure) (No. 2) Rules 2005<sup>(42)</sup>, omit rule 66(6)(c) (hearings in public or private).

## **Railways and Other Guided Transport Systems (Safety) Regulations 2006**

63. In the Railways and Other Guided Transport Systems (Safety) Regulations 2006<sup>(43)</sup>, omit regulation 27(4A) (appeals).

## **Additional Support Needs Tribunals for Scotland (Practice and Procedure) Rules 2006**

64. In the Additional Support Needs Tribunals for Scotland (Practice and Procedure) Rules 2006<sup>(44)</sup>, omit rule 27(7)(i) (attendance at hearings).

## **National Health Service (Discipline Committees) (Scotland) Regulations 2006**

65. In the National Health Service (Discipline Committees) (Scotland) Regulations 2006<sup>(45)</sup>, omit regulation 16 (attendance by member of Administrative Justice and Tribunals Council).

## **Administrative Justice and Tribunals Council (Listed Tribunals) (Wales) Order 2007**

66. The Administrative Justice and Tribunals Council (Listed Tribunals) (Wales) Order 2007<sup>(46)</sup> is revoked.

## **Administrative Justice and Tribunals Council (Listed Tribunals) Order 2007**

67. The Administrative Justice and Tribunals Council (Listed Tribunals) Order 2007<sup>(47)</sup> is revoked.

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<sup>(40)</sup> S.I. 2005/2024. Regulation 14 has been amended by the Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008.

<sup>(41)</sup> S.I. 2005/3273. Regulations 21 and 28(3) have been amended by the Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008.

<sup>(42)</sup> S.S.I. 2005/519. Rule 66(6) has been amended by the Mental Health Tribunal for Scotland (Practice and Procedure) (No 2) Amendment Rules 2008 (S.S.I. 2008/396).

<sup>(43)</sup> S.I. 2006/599. Regulation 27(4A) was inserted by the Railways and Other Guided Transport Systems (Safety) (Amendment) Regulations 2011 (S.I. 2011/1860).

<sup>(44)</sup> S.S.I. 2006/88. Rule 27(7) has been amended by the Additional Support Needs Tribunals for Scotland (Practice and Procedure) Amendment Rules 2010 (S.S.I. 2010/152).

<sup>(45)</sup> S.S.I. 2006/330. Regulation 16 has been amended by the National Health Service (Discipline Committees) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/226).

<sup>(46)</sup> S.I. 2007/2876.

<sup>(47)</sup> S.I. 2007/2951, to which there are amendments not relevant to this Order.

### **Administrative Justice and Tribunals Council (Listed Tribunals) (Scotland) Order 2007**

68. The Administrative Justice and Tribunals Council (Listed Tribunals) (Scotland) Order 2007<sup>(48)</sup> is revoked.

### **Adjudicator to Her Majesty's Land Registry (Practice and Procedure) (Amendment) Rules 2008**

69. In the Adjudicator to Her Majesty's Land Registry (Practice and Procedure) (Amendment) Rules 2008<sup>(49)</sup>, omit rule 19 (amendment of rule 30 of the Adjudicator to Her Majesty's Land Registry (Practice and Procedure) Rules 2003).

### **Company Names Adjudicator Rules 2008**

70. In the Company Names Adjudicator Rules 2008<sup>(50)</sup>, omit rule 8(6) (public proceedings).

### **Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008**

71. In the Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008<sup>(51)</sup>, in Schedule 1 (consequential amendments), omit paragraphs 52 to 54, 72(a), (c) and (d), 129, 137, 176, 238, 256(c), 288, 289, 299, 301 to 303 and 331.

### **Transfer of Tribunal Functions Order 2008**

72. In the Transfer of Tribunal Functions Order 2008<sup>(52)</sup>, omit paragraph 104(5)(d) of Schedule 3 (minor, consequential and supplemental provisions).

### **Mental Health Tribunal for Scotland (Practice and Procedure) (No. 2) Amendment Rules 2008**

73. In the Mental Health Tribunal for Scotland (Practice and Procedure) (No. 2) Amendment Rules 2008<sup>(53)</sup>, omit rule 2(5) (amendment of the Mental Health Tribunal for Scotland (Practice and Procedure) (No 2) Rules 2005).

### **Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009**

74. In the Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009<sup>(54)</sup>, in paragraph 188 of Schedule 1 (consequential amendments and supplemental provisions – primary legislation)—

- (a) for “tribunals under general supervision of council” substitute “tribunals to which this Act applies”;
- (b) in paragraph 188(a), for “tribunals under direct supervision of council” substitute “tribunals – general”;
- (c) in paragraph 188(b), for “tribunals under supervision of Scottish Committee” substitute “Scottish tribunals”.

### **Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009**

75. In the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009<sup>(55)</sup>, omit paragraph 121 of Schedule 2 (consequential amendments to secondary legislation).

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<sup>(48)</sup> S.S.I 2007/436, to which there are amendments not relevant to this Order.

<sup>(49)</sup> S.I 2008/1731.

<sup>(50)</sup> S.I 2008/1738.

<sup>(51)</sup> S.I 2008/2683.

<sup>(52)</sup> S.I 2008/2833.

<sup>(53)</sup> S.S.I 2008/396.

<sup>(54)</sup> S.I 2009/56.

### **Transfer of Functions of the Charity Tribunal Order 2009**

76. In the Transfer of Functions of the Charity Tribunal Order 2009<sup>(56)</sup>, omit—

- (a) article 4(2) (consequential and transitional provisions); and
- (b) Schedule 2 (consequential amendment to secondary legislation).

### **Transfer of Functions of the Consumer Credit Appeals Tribunal Order 2009**

77. In the Transfer of Functions of the Consumer Credit Appeals Tribunal Order 2009<sup>(57)</sup>, omit paragraph 2 of Schedule 2 (consequential amendments to secondary legislation).

### **Administrative Justice and Tribunals Council (Listed Tribunals) (Amendment) Order 2009**

78. The Administrative Justice and Tribunals Council (Listed Tribunals) (Amendment) Order 2009<sup>(58)</sup> is revoked.

### **National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009**

79. In the National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009<sup>(59)</sup>, omit—

- (a) paragraph 6(4) of Schedule 3 (the Board); and
- (b) paragraph 6 of Schedule 6 (consequential amendments).

### **Transfer of Functions of the Asylum and Immigration Tribunal Order 2010**

80. In the Transfer of Functions of the Asylum and Immigration Tribunal Order 2010<sup>(60)</sup>, omit paragraph 28 of Schedule 2 (consequential provisions – secondary legislation).

### **Transfer of Tribunal Functions Order 2010**

81. In the Transfer of Tribunal Functions Order 2010<sup>(61)</sup>, omit paragraph 143 of Schedule 3 (consequential amendments to secondary legislation).

### **Road Traffic (Parking Adjudicators) (Renfrewshire Council) Regulations 2010**

82. In the Road Traffic (Parking Adjudicators) (Renfrewshire Council) Regulations 2010<sup>(62)</sup>, omit regulation 9(4)(b) (right of Council member to attend hearing) and the preceding “; or”

### **Train Driving Licences and Certificates Regulations 2010**

83. In the Train Driving Licences and Certificates Regulations 2010<sup>(63)</sup>, omit—

- (a) regulation 35(7) (appeals against decisions of the ORR); and
- (b) regulation 36(7) (appeals against decisions of railway undertakings and infrastructure managers).

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<sup>(55)</sup> S.I 2009/1307.

<sup>(56)</sup> S.I 2009/1834.

<sup>(57)</sup> S.I 2009/1835.

<sup>(58)</sup> S.I 2009/3040.

<sup>(59)</sup> S.S.I 2009/183. Paragraph 6 of Schedule 3 was inserted by the National Health Service (Pharmaceutical Services) (Scotland) Amendment Regulations 2011 (S.S.I 2011/32).

<sup>(60)</sup> S.I 2010/21.

<sup>(61)</sup> S.I 2010/22.

<sup>(62)</sup> S.S.I. 2010/98.

<sup>(63)</sup> S.I 2010/724.

### **Additional Support Needs Tribunals for Scotland (Practice and Procedure) Amendment Rules 2010**

84. In the Additional Support Needs Tribunals for Scotland (Practice and Procedure) Amendment Rules 2010<sup>(64)</sup>, omit rule 15 (amendment of rule 27 (attendance at hearings)).

### **Parole Board (Scotland) Amendment Rules 2010**

85. In the Parole Board (Scotland) Amendment Rules 2010<sup>(65)</sup>, omit rule 2(6) (amendment of the Parole Board (Scotland) Rules 2001).

### **National Health Service (Discipline Committees) (Scotland) Amendment Regulations 2010**

86. In the National Health Service (Discipline Committees) (Scotland) Amendment Regulations 2010<sup>(66)</sup>, omit regulation 2(9) (amendment of the principal regulations).

### **National Health Service (Tribunal) (Scotland) Amendment Regulations 2010**

87. In the National Health Service (Tribunal) (Scotland) Amendment Regulations 2010<sup>(67)</sup>, omit regulation 2(7) (amendment of the National Health Service (Tribunal) (Scotland) Regulations 2004).

### **Residential Property Tribunal Procedures and Fees (England) Regulations 2011**

88. The Residential Property Tribunal Procedures and Fees (England) Regulations 2011<sup>(68)</sup> are amended as follows.

89. In regulation 24 (inspection of premises and neighbourhood), omit paragraph (2)(b) and the preceding “and”.

90. In regulation 32 (persons entitled to be present at a hearing held in private), omit paragraph (1)(b).

### **Railways and Other Guided Transport Systems (Safety) (Amendment) Regulations 2011**

91. In the Railways and Other Guided Transport Systems (Safety) (Amendment) Regulations 2011<sup>(69)</sup>, omit regulation 2(8)(a) (amendments to the Railways and Other Guided Transport Systems (Safety) Regulations 2006).

### **Railways (Interoperability) Regulations 2011**

92. In the Railways (Interoperability) Regulations 2011<sup>(70)</sup>, omit regulation 37(5) (appeals in Great Britain).

### **Additional Support Needs Tribunals for Scotland (Disability Claims Procedure) Rules 2011**

93. In the Additional Support Needs Tribunals for Scotland (Disability Claims Procedure) Rules 2011<sup>(71)</sup>, omit rule 28(7)(i) (attendance at hearings).

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<sup>(64)</sup> S.S.I 2010/152.

<sup>(65)</sup> S.S.I 2010/164.

<sup>(66)</sup> S.S.I 2010/226.

<sup>(67)</sup> S.S.I 2010/227.

<sup>(68)</sup> S.I 2011/1007.

<sup>(69)</sup> S.I 2011/1860.

<sup>(70)</sup> S.I 2011/3066.

<sup>(71)</sup> S.S.I 2011/104.

### **Administrative Justice and Tribunals Council (Listed Tribunals) (Scotland) Amendment Order 2011**

94. The Administrative Justice and Tribunals Council (Listed Tribunals) (Scotland) Amendment Order 2011<sup>(72)</sup> is revoked.

### **Bus Lane Contraventions (Charges, Adjudication and Enforcement) (Scotland) Regulations 2011**

95. In the Bus Lane Contraventions (Charges, Adjudication and Enforcement) (Scotland) Regulations 2011<sup>(73)</sup>, in regulation 18 (procedure at a hearing), omit paragraph (4)(b) and the preceding “and”.

### **The Road Traffic (Parking Adjudicators) (East Ayrshire Council) Regulations 2012**

96. In the Road Traffic (Parking Adjudicators) (East Ayrshire Council) Regulations 2012<sup>(74)</sup>, in regulation 9 (procedure at a hearing), omit paragraph (4)(b) and the preceding “; or”.

### **The Road Traffic (Parking Adjudicators) (South Ayrshire Council) Regulations 2012**

97. In the Road Traffic (Parking Adjudicators) (South Ayrshire Council) Regulations 2012<sup>(75)</sup>, in regulation 9 (procedure at a hearing), omit paragraph (4)(b) and the preceding “; or”.

### **The Residential Property Tribunal Procedures and Fees (Wales) Regulations 2012**

98. In the Residential Property Tribunal Procedures and Fees (Wales) Regulations 2012<sup>(76)</sup>, in regulation 24 (inspection of premises and neighbourhood), omit paragraph (2)(b) and the preceding “; and”.

#### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order abolishes the Administrative Justice and Tribunals Council (AJTC), which was set up by section 44 of the Tribunals, Courts and Enforcement Act 2007. The Schedule makes consequential amendments etc.

An impact assessment was prepared in relation to the abolition of the AJTC as part of the Ministry of Justice’s consultation on the Public Bodies Act 2011; it is available at <http://www.justice.gov.uk/consultations/reform-public-bodies.htm>.

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<sup>(72)</sup> S.S.I 2011/405.

<sup>(73)</sup> S.S.I 2011/442.

<sup>(74)</sup> S.S.I. 2012/139.

<sup>(75)</sup> S.S.I. 2012/142.

<sup>(76)</sup> S.I. 2012/531 (W. 83).