2008/2684

First-tier Tribunal and Upper Tribunal (Chambers) Order 2008

First-tier Tribunal & Upper Tribunal (Chambers)

Made 13 October 2008

Laid before Parliament 15 October 2008

Coming into force 3 November 2008

#CommentB

**Revocation—**

This Order revoked by the First-tier Tribunal and Upper Tribunal (Chambers) Order, SI 2010/2655 art 1(2), Schedule with effect from 29 November 2010.

#CommentE

[PREA

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.

[MAIN

1 Citation and commencement

This Order may be cited as the First-tier Tribunal and Upper Tribunal (Chambers) Order 2008 and shall come into force on 3rd November 2008.

#CommentB

**Revocation—**

This Order revoked by the First-tier Tribunal and Upper Tribunal (Chambers) Order, SI 2010/2655 art 1(2), Schedule with effect from 29 November 2010.

#CommentE

2 First-tier Tribunal Chambers

The First-tier Tribunal shall be organised into the following chambers—

(*a*) the Social Entitlement Chamber;

(*b*) the War Pensions and Armed Forces Compensation Chamber; …1

(*c*) the Health, Education and Social Care Chamber;

[(*d*) the Tax Chamber.]1

[(*e*) the General Regulatory Chamber.]2

[(*f*) the Immigration and Asylum Chamber.]3

#CommentB

**Revocation—**

This Order revoked by the First-tier Tribunal and Upper Tribunal (Chambers) Order, SI 2010/2655 art 1(2), Schedule with effect from 29 November 2010.

#CommentE

#CommentB

**Amendments—**

#EndnotesB

1 In para (*b*), word “and” repealed, and para (*d*) inserted, by the First-tier Tribunal and Upper Tribunal (Chambers) (Amendment) Order, SI 2009/196 arts 2, 3 with effect from 1 April 2009.

2 Para (*e*) inserted by the First-tier Tribunal and Upper Tribunal (Chambers) (Amendment No 3) Order, SI 2009/1590 arts 2, 3 with effect from 1 September 2009.

3 Para (*f*) inserted by the First-tier Tribunal and Upper Tribunal (Chambers) (Amendment) Order, SI 2010/40, arts 6, 7 with effect from 15 February 2010.

#EndnotesE

#CommentE

3 Functions of the Social Entitlement Chamber

To the Social Entitlement Chamber are assigned all functions relating to appeals—

[(*a*) in cases regarding support for asylum seekers, failed asylum seekers, persons designated under section 130 of the Criminal Justice and Immigration Act 2008, or the dependants of any such persons;]1

(*b*) in criminal injuries compensation cases;

(*c*) regarding entitlement to, payments of, or recovery or recoupment of payments of, social security benefits, child support, vaccine damage payment, [health in pregnancy grant,]2 [and]4 tax credits …4[, with the exception of—

[(*a*i) appeals under section 11 of the Social Security Contributions (Transfer of Functions, etc) Act 1999 (appeals against decisions of Her Majesty's Revenue and Customs);]3

(i) appeals in respect of employer penalties or employer information penalties (as defined in section 63(11) and (12) of the Tax Credits Act 2002);

(ii) appeals under regulation 28(3) of the Child Trust Funds Regulations 2004;]1

[(*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;

(*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 in relation to section 13 of that Act;]4

(*d*) regarding payments in consequence of diffuse mesothelioma;

(*e*) regarding a certificate or waiver decision in relation to NHS charges;

(*f*) regarding entitlement to be credited with earnings or contributions;

(*g*) against a decision as to whether an accident was an industrial accident.

#CommentB

**Revocation—**

This Order revoked by the First-tier Tribunal and Upper Tribunal (Chambers) Order, SI 2010/2655 art 1(2), Schedule with effect from 29 November 2010.

#CommentE

#CommentB

**Amendments—**

#EndnotesB

1 Para (*a*) substituted and words in para (*c*) inserted, by the First-tier Tribunal and Upper Tribunal (Chambers) (Amendment) Order, SI 2009/196 arts 2, 4 with effect from 1 April 2009.

2 Words in para (*c*) inserted by the First-tier Tribunal and Upper Tribunal (Chambers) (Amendment No 2) Order, SI 2009/1021 arts 2, 3 with effect from 1 June 2009.

3 Para (*c*)(*a*i) inserted by the First-tier Tribunal and Upper Tribunal (Chambers) (Amendment No 3) Order, SI 2009/1590 arts 2, 4 with effect from 1 September 2009.

4 Word in para (*c*), and paras (*ca*), (*cb*) inserted, and words “and child trust funds” in para (*c*) omitted, by the First-tier Tribunal and Upper Tribunal (Chambers) (Amendment) Order, SI 2010/40, arts 6, 8, with effect from 18 January 2010.

#EndnotesE

#CommentE

4 Functions of the War Pensions and Armed Forces Compensation Chamber

To the War Pensions and Armed Forces Compensation Chamber are assigned all functions relating to appeals under the War Pensions (Administrative Provisions) Act 1919 and the Pensions Appeal Tribunals Act 1943.

#CommentB

**Revocation—**

This Order revoked by the First-tier Tribunal and Upper Tribunal (Chambers) Order, SI 2010/2655 art 1(2), Schedule with effect from 29 November 2010.

#CommentE

5 Functions of the Health, Education and Social Care Chamber

To the Health Education and Social Care Chamber are assigned all functions relating to—

(*a*) an appeal against a decision related to children with special educational needs;

(*b*) a claim of disability discrimination in the education of a child;

(*c*) an application or an appeal against a decision or determination related to work with children or vulnerable adults;

(*d*) an appeal against a decision related to registration in respect of [the]1 provision of health or social care;

[(*dd*) an application in respect of, or an appeal against a decision related to, the provision of health care or health services;]1

(*e*) an appeal against a decision related to registration in respect of social workers and social care workers;

(*f*) an appeal against a decision related to the provision of childcare;

(*g*) an appeal against a decision related to an independent school or other independent educational institution;

(*h*) applications and references by and in respect of patients under the provisions of the Mental Health Act 1983 or paragraph 5(2) of the Schedule to the Repatriation of Prisoners Act 1984.

#CommentB

**Revocation—**

This Order revoked by the First-tier Tribunal and Upper Tribunal (Chambers) Order, SI 2010/2655 art 1(2), Schedule with effect from 29 November 2010.

#CommentE

#CommentB

**Amendments—**

#EndnotesB

1 Word in para (*d*), and whole of para (*dd*), inserted, by First-tier Tribunal and Upper Tribunal (Chambers) (Amendment) Order, SI 2010/40, arts 6, 9, with effect from 18 January 2010.

#EndnotesE

#CommentE

[5A Functions of the Tax Chamber

To the Tax Chamber are assigned all functions, except those functions assigned to the Social Entitlement Chamber by article 3 or to the [Tax and Chancery]2 Chamber by article 8, relating to—

(*a*) an appeal, application, reference or other proceeding in respect of a function of the Commissioners for Her Majesty's Revenue and Customs or an officer of Revenue and Customs;

(*b*) an appeal in respect of the exercise by the Serious Organised Crime Agency of general Revenue functions or Revenue inheritance tax functions (as defined in section 323 of the Proceeds of Crime Act 2002).]1

#CommentB

**Revocation—**

This Order revoked by the First-tier Tribunal and Upper Tribunal (Chambers) Order, SI 2010/2655 art 1(2), Schedule with effect from 29 November 2010.

#CommentE

#CommentB

**Amendments—**

#EndnotesB

1 Article 5A inserted by the First-tier Tribunal and Upper Tribunal (Chambers) (Amendment) Order, SI 2009/196 arts 2, 5 with effect from 1 April 2009.

2 Words substituted for words “Finance and Tax” by the First-tier Tribunal and Upper Tribunal (Chambers) (Amendment) Order, SI 2010/40, regs 6, 10 with effect from 6 April 2010.

#EndnotesE

#CommentE

[5B Functions of the General Regulatory Chamber

To the General Regulatory Chamber are assigned all functions relating to—

(*a*) proceedings in respect of the decisions and actions of regulatory bodies which are not assigned to the Health, Education and Social Care Chamber by article 5;

(*b*) matters referred to the First-tier Tribunal under Schedule 1D to the Charities Act 1993; and

(*c*) the determination of remuneration for carrying mail-bags in a ship or aircraft.]1

#CommentB

**Revocation—**

This Order revoked by the First-tier Tribunal and Upper Tribunal (Chambers) Order, SI 2010/2655 art 1(2), Schedule with effect from 29 November 2010.

#CommentE

#CommentB

**Amendments—**

#EndnotesB

1 Article inserted by the First-tier Tribunal and Upper Tribunal (Chambers) (Amendment No 3) Order, SI 2009/1590 arts 2, 5 with effect from 1 September 2009.

#EndnotesE

#CommentE

[5C Functions of the Immigration and Asylum Chamber of the First-tier Tribunal

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*).]1

#CommentB

**Revocation—**

This Order revoked by the First-tier Tribunal and Upper Tribunal (Chambers) Order, SI 2010/2655 art 1(2), Schedule with effect from 29 November 2010.

#CommentE

#CommentB

**Amendments—**

#EndnotesB

1 Article 5C inserted by the First-tier Tribunal and Upper Tribunal (Chambers) (Amendment) Order, SI 2010/40, arts 6, 11 with effect from 15 February 2010.

#EndnotesE

#CommentE

[6 Upper Tribunal Chambers

The Upper Tribunal shall be organised into the following chambers—

(*a*) the Administrative Appeals Chamber;

[(*b*) the Tax and Chancery Chamber;]3

[(*c*) the Lands Chamber.]2]1

[(*d*) the Immigration and Asylum Chamber of the Upper Tribunal.]4

#CommentB

**Revocation—**

This Order revoked by the First-tier Tribunal and Upper Tribunal (Chambers) Order, SI 2010/2655 art 1(2), Schedule with effect from 29 November 2010.

#CommentE

#CommentB

**Amendments—**

#EndnotesB

1 Article 6 substituted by the First-tier Tribunal and Upper Tribunal (Chambers) (Amendment) Order, SI 2009/196 arts 2, 6 with effect from 1 April 2009.

2 Para (*c*) inserted by the First-tier Tribunal and Upper Tribunal (Chambers) (Amendment No 2) Order, SI 2009/1021 arts 2, 4 with effect from 1 June 2009.

3 Para (*b*) substituted by the First-tier Tribunal and Upper Tribunal (Chambers) (Amendment No 3) Order, SI 2009/1590 arts 2, 6 with effect from 1 September 2009. Para (*b*) previously read as follows—

the Finance and Tax Chamber.”.

4 Para (*d*) inserted by the First-tier Tribunal and Upper Tribunal (Chambers) (Amendment) Order, SI 2010/40 arts 6, 12 with effect from 15 February 2010.

#EndnotesE

#CommentE

7 Functions of the Administrative Appeals Chamber

To the Administrative Appeals Chamber are assigned all functions relating to—

(*a*) an appeal—

(i) against a decision made by [the First-tier Tribunal, except [an appeal assigned to the Tax and Chancery Chamber by article 8(1)(*a*)]2 [or the Immigration and Asylum Chamber of the Upper Tribunal by article 9A(*a*)]3]1;

(ii) under section 5 of the Pensions Appeal Tribunals Act 1943 (assessment decision) against a decision of the Pensions Appeal Tribunal in Northern Ireland established under paragraph 1(2) of Schedule 1 to the Pensions Appeal Tribunals Act 1943;

(iii) against a decision of the Pensions Appeal Tribunal in Scotland established under paragraph 1(2) of Schedule 1 to the Pensions Appeal Tribunals Act 1943;

(iv) against a decision of the Mental Health Review Tribunal for Wales established under section 65 of the Mental Health Act 1983c;

(v) against a decision of the Special Educational Needs Tribunal for Wales;

(vi) under section 4 of the Safeguarding Vulnerable Groups Act 2006 (appeals);

[(vii) against a decision of the Information Commissioner transferred to the Upper Tribunal from the First-tier Tribunal under Tribunal Procedure Rules;

(viii) against a decision of a traffic commissioner.]2

(*b*) an application[, except an application assigned to the Tax and Chancery Chamber by article 8(*e*), for the Upper Tribunal]2—

(i) to grant the relief mentioned in section 15(1) of the Tribunal, Courts and Enforcement Act 2007 (Upper Tribunal's “judicial review” jurisdiction);

(ii) to exercise the powers of review under section 21(2) of that Act (Upper Tribunal's “judicial review” jurisdiction: Scotland);

[(*c*) a matter referred to the Upper Tribunal by the First-tier Tribunal under section 9(5)(*b*) of the Tribunals, Courts and Enforcement Act 2007, [except where the reference is assigned to the Tax and Chancery Chamber by article 8(1)(*d*)]2 [or the Immigration and Asylum Chamber of the Upper Tribunal by article 9A(*b*)]3.]1

[(*d*) a determination or decision under section 4 of the Forfeiture Act 1982.]2

#CommentB

**Revocation—**

This Order revoked by the First-tier Tribunal and Upper Tribunal (Chambers) Order, SI 2010/2655 art 1(2), Schedule with effect from 29 November 2010.

#CommentE

#CommentB

**Amendments—**

#EndnotesB

1 In para (*a*)(i) words substituted, and para (*c*) inserted, by the First-tier Tribunal and Upper Tribunal (Chambers) (Amendment) Order, SI 2009/196 arts 2, 7 with effect from 1 April 2009.

2 In para (*a*)(i) words substituted for words “decisions made in the Tax Chamber”, para (*a*)(vii), (viii) inserted, in para (*b*), words inserted, in para (*c*), words substituted for words “unless the reference is made by the Tax Chamber”, and para (*d*) inserted, by the First-tier Tribunal and Upper Tribunal (Chambers) (Amendment No 3) Order, SI 2009/1590 arts 2, 7 with effect from 1 September 2009.

3 Words in paras (*a*)(i), (*c*) inserted by the First-tier Tribunal and Upper Tribunal (Chambers) (Amendment) Order, SI 2010/40, arts 6, 13 with effect from 15 February 2010.

#EndnotesE

#CommentE

8 Functions of the Tax and Chancery Chamber

(1) To the Tax and Chancery Chamber are assigned all functions relating to—

(*a*) an appeal against a decision of the First-tier Tribunal made—

(i) in the Tax Chamber; or

(ii) in a charities case;

[*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;

(*ab*) a reference in respect of a decision of the Pensions Regulator;]2

(*b*) an application under paragraph 50(1)(*d*) of Schedule 36 to the Finance Act 2008;

(*c*) proceedings transferred to the Upper Tribunal under Tribunal Procedure Rules—

(i) from the Tax Chamber of the First-tier Tribunal; or

(ii) from the First-tier Tribunal in a charities case;

(*d*) a matter referred to the Upper Tribunal under section 9(5)(*b*) of the Tribunals, Courts and Enforcement Act 2007—

(i) by the Tax Chamber of the First-tier Tribunal; or

(ii) by the First-tier Tribunal in a charities case;

(*e*) an application for the Upper Tribunal to grant the relief mentioned in section 15(1) of the Tribunals, Courts and Enforcement Act 2007 (Upper Tribunal's “judicial review” jurisdiction), or to exercise the powers of review under section 21(2) of that Act (Upper Tribunal's “judicial review” jurisdiction: Scotland), which relates to—

(i) a decision of the First-tier Tribunal mentioned in paragraph (*a*)(i) or (ii);

(ii) a function of the Commissioners for Her Majesty's Revenue and Customs or an officer of Revenue and Customs, with the exception of any function in respect of which an appeal would be allocated to the Social Entitlement Chamber by article 3;

(iii) the exercise by the Serious Organised Crime Agency of general Revenue functions or Revenue inheritance tax functions (as defined in section 323 of the Proceeds of Crime Act 2002), with the exception of any function in relation to which an appeal would be allocated to the Social Entitlement Chamber by article 3;

(iv) a function of the Charity Commission[, or one of the bodies mentioned in paragraph (*aa*) or (*ab*)]2.

(2) In this article “a charities case” means an appeal or application in respect of a decision, order or direction of the Charity Commission, or a reference under Schedule 1D of the Charities Act 1993.]1

#CommentB

**Revocation—**

This Order revoked by the First-tier Tribunal and Upper Tribunal (Chambers) Order, SI 2010/2655 art 1(2), Schedule with effect from 29 November 2010.

**Amendments—**

#EndnotesB

1 Article 8 substituted by the First-tier Tribunal and Upper Tribunal (Chambers) (Amendment No 3) Order, SI 2009/1590 arts 2, 8 with effect from 1 September 2009. Article 8 previously read as follows—

**“8 Functions of the Finance and Tax Chamber**

To the Finance and Tax Chamber are assigned all functions relating to—

an appeal against a decision of the First-tier Tribunal made in the Tax Chamber;

an application under paragraph 50(1)(*d*) of Schedule 36 to the Finance Act 2008;

an appeal, application or reference transferred to the Finance and Tax Chamber from the First-tier Tribunal under Tribunal Procedure Rules;

a matter referred to the Upper Tribunal by the Tax Chamber under section 9(5)(*b*) of the Tribunals, Courts and Enforcement Act 2007.”

2 Paras (*aa*), (*ab*), and words in para (*e*)(iv), inserted, by the First-tier Tribunal and Upper Tribunal (Chambers) (Amendment) Order, SI 2010/40, arts 6, 14 with effect from 6 April 2010.

#EndnotesE

#CommentE

[9 Functions of the Lands Chamber

To the Lands Chamber are assigned—

(*a*) all functions relating to—

(i) compensation and other remedies for measures taken which affect the ownership, value, enjoyment or use of land or water, or of rights over or property on land or water;

(ii) appeals from decisions of leasehold valuation tribunals, residential property tribunals and valuation tribunals;

(iii) appeals on questions of the value of land or interests in land arising in tax proceedings; and

(iv) proceedings in respect of restrictive covenants, blight notices or the obstruction of light;

(*b*) the Upper Tribunal's function as arbitrator under section 1(5) of the Lands Tribunal Act 1949; and

(*c*) any other functions transferred to the Upper Tribunal by the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009.]1

#CommentB

**Revocation—**

This Order revoked by the First-tier Tribunal and Upper Tribunal (Chambers) Order, SI 2010/2655 art 1(2), Schedule with effect from 29 November 2010.

#CommentE

#CommentB

**Revocation—**

This Order revoked by the First-tier Tribunal and Upper Tribunal (Chambers) Order, SI 2010/2655 art 1(2), Schedule with effect from 29 November 2010.

#CommentE

#CommentB

**Amendments—**

#EndnotesB

1 Articles 9, 10 inserted by the First-tier Tribunal and Upper Tribunal (Chambers) (Amendment No 2) Order, SI 2009/1021 arts 2, 5 with effect from 1 June 2009.

#EndnotesE

#CommentE

[9A Functions of the Immigration and Asylum Chamber of the Upper Tribunal

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.]1

#CommentB

**Revocation—**

This Order revoked by the First-tier Tribunal and Upper Tribunal (Chambers) Order, SI 2010/2655 art 1(2), Schedule with effect from 29 November 2010.

#CommentE

#CommentB

**Amendments—**

#EndnotesB

1 Article 9A inserted by the First-tier Tribunal and Upper Tribunal (Chambers) (Amendment) Order, SI 2010/40, arts 6, 15 with effect from 15 February 2010.

#EndnotesE

#CommentE

[10 Resolution of doubt or dispute as to chamber

If there is any doubt or dispute as to the chamber in which a particular matter is to be dealt with, the Senior President of Tribunals may allocate that matter to the chamber which appears to the Senior President of Tribunals to be most appropriate.]1

#CommentB

**Revocation—**

This Order revoked by the First-tier Tribunal and Upper Tribunal (Chambers) Order, SI 2010/2655 art 1(2), Schedule with effect from 29 November 2010.

#CommentE

#CommentB

**Amendments—**

#EndnotesB

1 Articles 9, 10 inserted by the First-tier Tribunal and Upper Tribunal (Chambers) (Amendment No 2) Order, SI 2009/1021 arts 2, 5 with effect from 1 June 2009.

#EndnotesE

#CommentE

[11 Re-allocation of a case to another chamber

(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.]1

#CommentB

**Revocation—**

This Order revoked by the First-tier Tribunal and Upper Tribunal (Chambers) Order, SI 2010/2655 art 1(2), Schedule with effect from 29 November 2010.

#CommentE

#CommentB

**Amendments—**

#EndnotesB

1 Article 11 inserted by the First-tier Tribunal and Upper Tribunal (Chambers) (Amendment) Order, SI 2010/40, arts 6, 16 with effect from 18 January 2010.