

2011 No. 2342

TRIBUNALS AND INQUIRIES

**The First-tier Tribunal and Upper Tribunal (Chambers)
(Amendment) Order 2011**

<i>Made</i>	- - - -	<i>22nd September 2011</i>
<i>Laid before Parliament</i>		<i>26th September 2011</i>
<i>Coming into force</i>	- -	<i>17th October 2011</i>

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 and commencement

1. This Order may be cited as the First-tier Tribunal and Upper Tribunal (Chambers) (Amendment) Order 2011 and shall come into force on 17th October 2011.

Amendments to the First-tier Tribunal and Upper Tribunal (Chambers) Order 2010

2. The First-tier Tribunal and Upper Tribunal (Chambers) Order 2010(b) is amended as follows.

3. In article 10(b) (functions of the Administrative Appeals Chamber) after “11(c)” insert “or (d)”.

4. After article 11(c) (functions of the Immigration and Asylum Chamber of the Upper Tribunal) insert the following sub-paragraph—

“(d) an application meeting the condition specified in section 31A(8) of the Senior Courts Act 1981(c) made to the Upper Tribunal or transferred to it by the High Court in England and Wales, to grant the relief mentioned in section 15(1) (Upper Tribunal’s “judicial review” jurisdiction) of the Tribunals, Courts and Enforcement Act 2007.”

5. In article 12(a)(ii) (functions of the Lands Chamber) for the words “a valuation tribunal in Wales” substitute “the Valuation Tribunal for Wales”.

Signed by authority of the Lord Chancellor

(a) 2007 c.15.

(b) S.I.2010/2655.

(c) 1981 c.54. Section 31A was inserted by section 19(1) of the Tribunals, Courts and Enforcement Act 2007(c.15) and subsections (2A) and (8) of section 31A were inserted by section 53(1) of the Borders, Citizenship and Immigration Act 2009 (c.11).

22nd September 2011

McNally
Minister of State
Ministry of Justice

I concur

Robert Carnwath
Senior President of Tribunals

22nd September 2011

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the First-tier Tribunal and Upper Tribunal (Chambers) Order 2010 (“the 2010 Order”). The 2010 Order organised the First-tier Tribunal and the Upper Tribunal into chambers and allocated functions between the chambers of those tribunals.

This Order adds a new function to the Immigration and Asylum Chamber of the Upper Tribunal. Where certain applications for judicial review are either made directly to the Upper Tribunal or transferred from the High Court in England and Wales to the Upper Tribunal, those applications will be allocated to the Immigration and Asylum Chamber of that Tribunal.

An application meeting the condition specified in section 31A(8) of the Senior Courts Act 1981 is one which calls into question a decision of the Secretary of State not to treat submissions as an asylum claim or a human rights claim, within the meaning of Part 5 of the Nationality, Immigration and Asylum Act 2002, wholly or partly on the basis that they are not significantly different from material that has previously been considered (whether or not it calls into question any other decision). These applications are commonly referred to as ‘fresh claim’ judicial reviews.

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