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STATUTORY INSTRUMENTS

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**2013 No. 1036**

**TRIBUNALS AND INQUIRIES,  
ENGLAND AND WALES**

**The Transfer of Tribunal Functions Order 2013**

*Made* - - - - - *29th April 2013*

*Coming into force* - - - - - *1st July 2013*

The Lord Chancellor makes the following order in the exercise of the powers conferred by sections 30(1), 31, 32, 35, 36, 38 and paragraph 30 of Schedule 5 to the Tribunals, Courts and Enforcement Act 2007(1).

The Lord Chancellor has consulted the Administrative Justice and Tribunals Council in accordance with paragraph 24(1) of Schedule 7 to that Act.

A draft of this Order was laid before Parliament and approved by resolution of each House of Parliament in accordance with section 49(5) of that Act.

**Citation and commencement**

1. This Order may be cited as the Transfer of Tribunal Functions Order 2013 and comes into force on 1st July 2013.

**Transfer of functions and abolition of tribunals**

2.—(1) The functions of rent assessment committees for areas in England are transferred to the First-tier Tribunal or, where determined by or under Tribunal Procedure Rules in relation to any particular case, the Upper Tribunal.

(2) Rent assessment committees for areas in England are abolished.

3.—(1) The functions of Agricultural Land Tribunals for areas in England are transferred to the First-tier Tribunal.

(2) Agricultural Land Tribunals for areas in England are abolished.

4.—(1) The functions of the Adjudicator to Her Majesty's Land Registry are transferred to the First-tier Tribunal.

(2) The Adjudicator to Her Majesty's Land Registry is abolished.

### Transfer of persons into the First-tier Tribunal and the Upper Tribunal

5. A person who, immediately before 1st July 2013, holds an office listed in column (1) of the following table is to hold the office or offices listed in the corresponding entry in column (2) of the table.

<i>Column (1)</i>	<i>Column (2)</i>
<i>Office held</i>	<i>Office to be held</i>
Any person appointed under Schedule 10 to the Rent Act 1977 to be a chairman member of a rent assessment panel for an area in England on the basis of holding a qualification as a solicitor or a barrister or as having sufficient expertise and experience in the law	Transferred-in judge of the First-tier Tribunal
Any person appointed under Schedule 10 to the Rent Act 1977 to be a chairman member of a rent assessment panel for an area in England on the basis of holding a qualification as a chartered surveyor	Transferred-in other member of the First-tier Tribunal
Any person appointed under Schedule 10 to the Rent Act 1977 to a rent assessment panel for an area in England other than a person falling within the entries above	Transferred-in other member of the First-tier Tribunal
Chairman of an Agricultural Land Tribunal for an area in England	Transferred-in judge of the First-tier Tribunal
Member of a panel of deputy chairmen of an Agricultural Land Tribunal for an area in England	Transferred-in judge of the First-tier Tribunal
Member of a panel of an Agricultural Land Tribunal for an area in England representing the interests of farmers	Transferred-in other member of the First-tier Tribunal
Member of a panel of an Agricultural Land Tribunal for an area in England representing the interests of owners of agricultural land	Transferred-in other member of the First-tier Tribunal
Member of a panel of persons experienced in matters relating to the drainage of land for the purposes of section 31 of the Land Drainage Act 1991 in England	Transferred-in other member of the First-tier Tribunal
Adjudicator to Her Majesty's Land Registry	Transferred-in judge of the First-tier Tribunal and deputy judge of the Upper Tribunal
Member of the Adjudicator's staff who is authorised by the Adjudicator to carry out functions of the Adjudicator which are not of an administrative character	Transferred-in judge of the First-tier Tribunal

### **Consequential, transitional and saving provisions**

6.—(1) Schedule 1 contains consequential amendments and repeals to primary legislation as a consequence of the transfers of functions effected by this Order.

(2) Schedule 2 contains consequential amendments and revocations to secondary legislation as a consequence of the transfers of functions effected by this Order.

(3) Schedule 3 contains transitional and saving provisions.

Signed by the authority of the Lord Chancellor

29th April 2013

*Helen Grant*  
Parliamentary Under Secretary of State  
Ministry of Justice

## SCHEDULE 1

Article 6(1)

## Consequential provisions – primary legislation

## PART 1

Provisions consequential upon transfer of functions  
from rent assessment committees for areas in England**Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951**

1. The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(2) is amended as follows.

2. In section 22 (facilities for action on behalf of men serving abroad in proceedings as to tenancies)—

- (a) in subsection (1), for “a rent tribunal” substitute “the appropriate tribunal”;
- (b) in subsection (2), for “a rent tribunal” substitute “an appropriate tribunal”;
- (c) in subsection (3A), omit “or rent assessment committee” in both places.

**Leasehold Reform Act 1967**

3. The Leasehold Reform Act 1967(3) is amended as follows.

4. In section 9 (purchase price and costs of enfranchisement, and tenant’s right to withdraw), in subsection (4A)(4), for “a leasehold valuation tribunal” substitute “the appropriate tribunal”.

5. In section 14 (obligation to grant extended lease), in subsection (2A)(5), for “a leasehold valuation tribunal” substitute “the appropriate tribunal”.

6. In section 21(6) (jurisdiction of leasehold valuation tribunals)—

- (a) in the heading, omit “leasehold valuation”;
- (b) in subsections (1), (1B), (2) and (2A), for “a leasehold valuation tribunal” substitute “the appropriate tribunal”.

7. In section 27 (enfranchisement where landlord cannot be found), in subsection (5)(a)(7), for “a leasehold valuation tribunal” substitute “the appropriate tribunal”.

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(2) 1951 c. 65. Section 22(1) has been amended by section 117 of and Schedule 15 to the Rent Act 1968 (c. 23), section 155 of and paragraph 9 of Schedule 23 to the Rent Act 1977 (c. 42), section 12 of and paragraph 1 of Schedule 1 to the Protection from Eviction Act 1977 (c. 43), and by section 140 of and Part 1 of Schedule 17 to the Housing Act 1988 (c. 50). Section 22(3A) was inserted by section 117 of and Schedule 15 to the Rent Act 1968 (c. 23) and amended by section 155 of and paragraph 9 of Schedule 23 to the Rent Act 1977 (c. 42).

(3) 1967 c. 88

(4) Subsection (4A) was inserted by Schedule 13 to the Commonhold and Leasehold Reform Act 2002 (c. 15).

(5) Subsection (2A) was inserted by Schedule 13 to the Commonhold and Leasehold Reform Act 2002 (c. 15).

(6) Section 21 was amended by paragraph 8 of Schedule 22 to the Housing Act 1980 (c. 51), section 115 of and paragraph 1 of Schedule 11 to the Housing Act 1996 (c. 52), section 149(2) of and paragraphs 1 and 5 of Schedule 13 to the Commonhold and Leasehold Reform Act 2002 (c. 15). The heading to section 21 was amended by the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009, S.I. 2009/1307. Section 21(1B) was inserted by paragraph 8 of Schedule 22 to the Housing Act 1980. Section 21(2A) was inserted by paragraph 5 of Schedule 13 to the Commonhold and Leasehold Reform Act 2002 (c. 15).

(7) Section 27(5) was substituted by section 149 of Commonhold and Leasehold Reform Act 2002 (c. 15).

8. In section 31(2)(a)(8)(ecclesiastical property), after “a leasehold valuation tribunal” insert “, the First-tier Tribunal”.

9. In section 37 (interpretation of Part I), after subsection (1)(a) insert—

“(aa) “the appropriate tribunal” means—

(i) in relation to a house and premises in England, the First-tier Tribunal or, where determined by or under Tribunal Procedure Rules, the Upper Tribunal; and

(ii) in relation to a house and premises in Wales, a leasehold valuation tribunal.”.

10. In Schedule 1 (enfranchisement and extension by sub-tenants), in paragraph 5(3)(9), for “a leasehold valuation tribunal”, in both places, substitute “the appropriate tribunal”.

11. In Schedule 2 (provisions supplementary to sections 17 and 18 of this Act), in paragraph 2(2)(10), for “a leasehold valuation tribunal” substitute “the appropriate tribunal”.

### **Rent Act 1977**

12. The Rent Act 1977(11) is amended as follows.

13. In section 65 (rent assessment committees), after “committees” insert “for Wales”.

14. After section 65, insert—

#### **“Right of appeal from a rent assessment committee**

**65A.**—(1) An appeal on any point of law from a decision of a rent assessment committee constituted under Schedule 10 to this Act may be made to the Upper Tribunal.

(2) Subsection (1) does not apply where the rent assessment committee is exercising functions of a leasehold valuation tribunal or a residential property tribunal.”

15. In section 71 (amount to be registered as rent), in subsection (4), for “rent assessment committee” substitute “appropriate tribunal”.

16. In section 72(12) (effect of registration of rent)—

(a) for subsection (1)(b) substitute—

“(b) if the rent is determined by the appropriate tribunal, from the date when the tribunal make their decision.”;

(b) for subsection (2)(b) substitute—

“(b) if it is made by the appropriate tribunal, from the date when the tribunal make their decision.”.

17. In section 72A(13) (amounts attributable to services)—

(a) for “rent assessment committee” substitute “appropriate tribunal”, and

(b) for “committee” substitute “tribunal”.

18. In section 75 (interpretation of Part IV), insert the following definition in the appropriate alphabetical place—

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(8) Section 31(2) was amended by paragraph 9 of Schedule 22 to the Housing Act 1980 (c. 51) and by the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307).

(9) Paragraph 5 of Schedule 1 was amended by paragraph 10 of Schedule 22 the Housing Act 1980 (c. 51).

(10) Paragraph 2 of Schedule 2 was amended by paragraph 11 of Schedule 22 the Housing Act 1980 (c. 51).

(11) 1977 c. 42

(12) Section 72 was substituted by section 61 of the Housing Act 1980 (c. 51).

(13) Section 72A was inserted by paragraph 47 of Schedule 2 to the Social Security (Consequential Provisions) Act 1992 (c. 6).

““appropriate tribunal” means—

- (a) in relation to a dwelling-house in England, the First-tier Tribunal or, where determined by or under Tribunal Procedure Rules, the Upper Tribunal; and
- (b) in relation to a dwelling-house in Wales, a rent assessment committee.”.

**19.** In section 77(14) (reference of contracts to rent tribunals and obtaining by them of information)—

- (a) in the heading, omit “rent”;
- (b) in subsection (1), for “rent” substitute “appropriate”;
- (c) in subsection (2), for “a rent” substitute “the appropriate”.

**20.** In section 78(15) (powers of rent tribunals on reference of contracts)—

- (a) in the heading, omit “rent”;
- (b) in subsection (1), for “a rent tribunal” substitute “the appropriate tribunal”;
- (c) in subsection (3), for “rent tribunal” substitute “appropriate tribunal”.

**21.** In section 79(16) (register of rents under restricted contracts)—

- (a) in the heading, after “contracts” insert “relating to dwellings in Wales”
- (b) in subsection (1), for “every” substitute “the”;
- (c) in subsection (2)(c), for “rent tribunal” substitute “rent assessment committee”;
- (d) in subsection (5), omit “concerned”.

**22.** After section 79 (register of rents under restricted contracts) insert—

**“Register of rents under restricted contracts relating to dwellings in England**

**79A.—**(1) The Chamber President of the Property Chamber of the First-tier Tribunal shall prepare and keep up to date a register for the purposes of this Part of this Act and shall make the register available for inspection in such place or places and in such manner as the Lord Chancellor may direct.

(2) The register shall be so prepared and kept up to date as to contain, with regard to any contract relating to a dwelling in England and under which a rent is payable which has been approved, reduced or increased under section 78 of this Act, entries of—

- (a) the prescribed particulars with regard to the contract;
- (b) a specification of the dwelling to which the contract relates; and
- (c) the rent as approved, reduced or increased by the First-tier Tribunal or the Upper Tribunal, and in a case in which the approval, reduction or increase is limited to rent payable in respect of a particular period, a specification of that period.

(3) Where any rates in respect of a dwelling are borne by the lessor or any person having any title superior to that of the lessor, the amount to be entered in the register under this

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(14) Section 77(1) has been amended by Schedule 26 to the Housing Act 1980 (c. 51) and paragraph 23 of Schedule 17 to the Housing Act 1988 (c. 50).

(15) Section 78 has been amended by paragraph 42 of Schedule 25 and by Schedule 26 to the Housing Act 1980 (c. 51), paragraph 35 of Schedule 2 to the Housing (Consequential Provisions) Act 1985 (c. 71) and the Local Government Finance (Housing) (Consequential Amendments) Order 1993 (S.I. 1993/651).

(16) Section 79 has been amended by paragraphs 43 and 44 of Schedule 25 to the Housing Act 1980 (c. 51) and the Local Government Finance (Housing) (Consequential Amendments) Order 1993 (S.I. 1993/651). The functions of the Secretary of State, so far as exercisable in relation to Wales were transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672.

section as the rent payable for the dwelling shall be the same as if the rates were not so borne; but the fact that they are so borne shall be noted in the register.

(4) The amount to be entered in the register under this section as the rent payable for a dwelling shall include any sums payable by the lessee to the lessor in respect of council tax, whether or not those sums are separate from the sums payable for the occupation of the dwelling or are payable under separate agreements.

(5) A copy of an entry in the register certified by a member of staff appointed by the Lord Chancellor and duly authorised by the Chamber President of the Property Chamber of the First-tier Tribunal shall be receivable in evidence in any court and in any proceedings.

(6) A person requiring such a certified copy shall be entitled to obtain it on payment of such fee as may be specified by order made by the Lord Chancellor.

(7) The power to make an order under subsection (6) shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

**23.** In section 80(17) (reconsideration of rent after registration)—

(a) in subsection (1)—

(i) after “entered in the register under section 79” insert “or 79A”;

(ii) for “rent” in the second place, substitute “appropriate”;

(b) in subsection (2)—

(i) after “section 79” insert “or 79A”;

(ii) for “a rent tribunal” substitute “the appropriate tribunal”.

**24.** In section 81 (effect of registration of rent)—

(a) in subsection (1), after “under section 79” insert “or 79A”;

(b) in subsection (2) after “section 79” insert “or 79A”.

**25.** In section 81A(18) (cancellation of registration of rent)—

(a) in subsection (1)—

(i) after “section 79” insert “or 79A”;

(ii) for “rent tribunal” substitute “appropriate tribunal”;

(b) in subsection (4) for “rent” substitute “appropriate”.

**26.** In section 82 (jurisdiction of rent tribunals)—

(a) in the heading, omit “rent”;

(b) for “a rent tribunal” substitute “the appropriate tribunal”;

(c) for “the rent tribunal” substitute “the tribunal”.

**27.** In section 85(19) (interpretation of Part V)—

(a) in subsection (1), insert the following definition in the appropriate alphabetical place—

““appropriate tribunal” means—

(a) in relation to a dwelling in England, the First-tier Tribunal or, where determined by or under Tribunal Procedure Rules, the Upper Tribunal; and

(17) Section 80(1) and (2) were amended by section 70 of and Schedule 18 to the Housing Act 1980 (c. 51).

(18) Section 81A was inserted by section 71 of the Housing Act 1980 (c. 51) and amended by section 36(4) and Schedule 18 to the Housing Act 1988 (c. 50).

(19) Section 85 has been amended by paragraph 45 of Schedule 25 to the Housing Act 1980 (c. 51).

- (b) in relation to a dwelling in Wales, a rent assessment committee;”;
  - (b) in the definition of “register”—
    - (i) omit “by the president of the rent assessment panel concerned”;
    - (ii) after “section 79” insert “or 79A”;
  - (c) omit the definition relating to “rent tribunal”;
  - (d) in subsection (4), after “section 79(3)” insert “, 79A(3)”.
- 28.** In section 103(20) (notice to quit served after reference of contract to rent tribunal)—
- (a) in the heading, omit “rent”;
  - (b) in subsection (1), for “a rent tribunal” substitute “the appropriate tribunal”;
  - (c) in subsection (2)(a) and (b), for “the rent tribunal” substitute “the appropriate tribunal”.
- 29.** In section 104 (application to tribunal for security of tenure where notice to quit is served)—
- (a) in subsection (1), for “a rent tribunal” substitute “the appropriate tribunal”;
  - (b) in subsections (1), (3), (4) and (5), for “the rent tribunal”, in each place, substitute “the appropriate tribunal”.
- 30.** In section 106 (reduction of period of notice on account of lessee’s default)—
- (a) in subsection (1), for “a rent tribunal” substitute “the appropriate tribunal”;
  - (b) in subsection (2), for “the rent tribunal” in both places, substitute “the appropriate tribunal”.
- 31.** In section 107 (interpretation of Part VI) insert the following definition in the appropriate alphabetical order—
- ““appropriate tribunal” means—
- (a) in relation to a dwelling in England, the First-tier Tribunal or, where determined by or under Tribunal Procedure Rules, the Upper Tribunal; and
  - (b) in relation to a dwelling in Wales, a rent assessment committee;”.
- 32.** In section 122 (prohibition of premiums on grant or assignment of rights under restricted contracts)—
- (a) in subsection (1)(a), after “79” insert “or 79A”;
  - (b) in subsection (1)(b), for “rent tribunal” substitute “appropriate tribunal”.
- 33.** In Schedule 10(21) (rent assessment committees)—
- (a) for paragraphs 1 and 2 substitute—
    - 1.** The Welsh Ministers shall draw up and from time to time revise a panel of persons to act as chairmen and other members of rent assessment committees in Wales.
    - 2.** The panel shall consist of a number of persons appointed by the Lord Chancellor and a number of persons appointed by the Welsh Ministers.”;
  - (b) in paragraph 2A, for “any panel” substitute “the panel”;
  - (c) in paragraph 3, for “Secretary of State” substitute “Welsh Ministers”;
  - (d) in paragraph 4—

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(20) Section 103 has been amended by Schedule 18 to the Housing Act 1988 (c. 50).

(21) Schedule 10 has been amended. The relevant amendments are those made by paragraph 56 of Schedule 25 to the Housing Act 1980 (c. 51), paragraph 56 of Schedule 6 to the Judicial Pensions and Retirement Act 1993 (c. 8) and sections 222 and 227 of and paragraph 22 of Schedule 18 to the Housing Act 1996 (c. 52).



- (i) for “to act for an area” substitute “in Wales”, and
- (ii) omit “formed for that area”;
- (e) in paragraph 5, for “paragraphs 6” substitute “paragraphs 5A, 6”;
- (f) after paragraph 5 insert—

“**5A.** A member of the First-tier Tribunal may, at the request of the president or vice-president of the panel and with the approval of the Senior President of Tribunals, act as a member of a rent assessment committee in Wales.”;

- (g) in paragraph 7—
  - (i) for “of panels” substitute “of the panel”;
  - (ii) for “Secretary of State” substitute “Welsh Ministers”;
- (h) in paragraph 7A—
  - (i) for “Secretary of State” substitute “Welsh Ministers”;
  - (ii) for “a panel” substitute “the panel”;
- (i) in paragraph 8, for “Secretary of State” in both places, substitute “Welsh Ministers”;
- (j) in paragraph 9—
  - (i) in sub-paragraph (a), for “panels” substitute “the panel”
  - (ii) for sub-paragraph (c) substitute “such other expenses of the panel as the Welsh Ministers may determine”.

**34.** In Schedule 11(22) (applications for registration of rent)—

- (a) in paragraphs 5A and 6(1), in each place, for “a rent assessment committee” substitute “the appropriate tribunal”;
- (b) in paragraph 7(1), for “The rent assessment committee” substitute “A rent assessment committee”;
- (c) after paragraph 8 insert—

“**8A.** A rent assessment committee shall make such inquiry, if any, as they think fit and consider any information supplied or representation made to them in pursuance of paragraph 7 or paragraph 8 above.”;

- (d) for paragraph 9, substitute—

“Outcome of determination of fair rent by appropriate tribunal

**9.—(1)** The appropriate tribunal shall—

- (a) if it appears to them that the rent registered or confirmed by the rent officer is a fair rent, confirm that rent;
- (b) if it does not appear to them that that rent is a fair rent, determine a fair rent for the dwelling house.

(2) Where the tribunal confirm or determine a rent under this paragraph they shall notify the landlord, the tenant and the rent officer of the tribunal’s decision and of the date on which it was made.

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(22) The relevant amendments to Schedule 11 are those made by Schedule 1 to the Regulated Tenancies (Procedure) Regulations 1980 (S.I. 1980/1696), section 61 of the Housing Act 1980 (c. 51), paragraph 7 of Schedule 2 to the Local Government Finance (Housing) (Consequential Amendments) Order 1993 (S.I. 1993/651) and the Rent Assessment Committees (England and Wales) (Amendment) Regulations 1981 (S.I. 1981/1783) and by the Schedule to the Rent Acts (Maximum Fair Rent) Order 1999 (S.I. 1999/6).

(3) On receiving the notification, the rent officer shall, as the case may require, either indicate in the register that the rent has been confirmed or register the rent determined by the appropriate tribunal as the rent for the dwelling-house.”;

(e) in paragraph 9B(b), for “committee” substitute “appropriate tribunal”.

### **Protection from Eviction Act 1977**

**35.** In the Protection from Eviction Act 1977(**23**), in section 8(6)(a)(**24**) (interpretation), omit “rent”, where that word appears before “tribunal”.

### **Housing Act 1980**

**36.** The Housing Act 1980(**25**) is amended as follows.

**37.** Omit section 72(**26**) (function of rent tribunals).

**38.** In section 142(**27**) (leasehold valuation tribunals), omit subsection (1).

### **Mobile Homes Act 1983**

**39.** In the Mobile Homes Act 1983(**28**), in section 5(1)(**29**) (interpretation), for the definition of “a tribunal”, substitute—

““a tribunal” means, where the parties have entered into an arbitration agreement that applies to the question to be determined and that question arose before the agreement was made, the arbitrator; or, in other cases—

- (a) in relation to England, the First-tier Tribunal or, where determined by or under Tribunal Procedure Rules, the Upper; and
- (b) in relation to Wales, a residential property tribunal”.

### **Housing Act 1985**

**40.** The Housing Act 1985(**30**) is amended as follows.

**41.** In section 269(**31**) (right of appeal against order), in subsection (1), for “a residential property tribunal” substitute “the appropriate tribunal”.

**42.** In section 269A(**32**) (appeals suggesting certain other courses of action), in subsection (3) (a), for “a residential property tribunal” substitute “the appropriate tribunal”.

**43.** In section 272 (demolition orders: expenses of local housing authority, etc)—

- (a) in subsections (2)(a) and (5), for “a residential property tribunal” substitute “the appropriate tribunal”;

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(23) 1977 c. 43

(24) Section 8(6) was inserted by section 33 of the Housing Act 1988 (c. 50).

(25) 1980 c. 51. Section 142 was amended by section 176 and Schedule 13 of the Commonhold and Leasehold Reform Act 2002.

(26) Section 72 has been amended by section 76 of the Rent Act 1977 (c. 42).

(27) Section 142 has been amended by Schedule 1 to the Housing (Consequential Provisions) Act 1985 (c. 75).

(28) 1983 c. 34

(29) Section 5 was amended to insert entries defining “a tribunal” by the Mobile Homes Act 1983 (Jurisdiction of Residential Property Tribunals) (England) Order 2011 (S.I. 2011/1005) and by the Mobile Homes Act 1983 (Jurisdiction of Residential Property Tribunals) (Wales) Order 2012 (S.I. 2012/699).

(30) 1985 c. 68

(31) Sections 269(1), 272(2) and (4), 317 and 318 were amended by section 48 of the Housing Act 2004 (c. 34). Other relevant amendments to section 269(1) were made by paragraphs 10 and 14 of Schedule 15 to the Housing Act 2004 (c. 34) and by the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307).

(32) Section 269A was inserted by section 265 of and paragraphs 10 and 15 of Schedule 15 to the Housing Act 2004.

(b) in subsection (2)(b), for “such a” substitute “the appropriate”.

**44.** In section 317 (power of court to determine lease where premises demolished), in subsection (1), for “a residential property tribunal” substitute “the appropriate tribunal”.

**45.** In section 318(**33**) (power of tribunal to authorise execution of works on unfit premises or for improvement), in subsection (1), for “a residential property tribunal” substitute “the appropriate tribunal”.

**46.** In section 322(**34**) (minor definitions), after subsection (3) insert—

“(4) In this Part “appropriate tribunal” means—

(a) in relation to premises in England the First-tier Tribunal or, where determined by or under Tribunal Procedure Rules, the Upper Tribunal; and

(b) in relation to premises in Wales, a residential property tribunal.”

**47.** In section 323 (index of defined expressions: Part IX) insert in the appropriate alphabetical place—

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“appropriate tribunal

section 322”

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**48.** In paragraph 11 of Schedule 5(**35**) (exceptions to the right to buy)—

(a) in sub-paragraph (5A)(a) for “a residential property tribunal” substitute “the First-tier Tribunal or, where determined by or under Tribunal Procedure Rules, the Upper Tribunal”;

(b) for sub-paragraph (5B) substitute—

“(5B) For appeals, see section 11 of the Tribunals, Courts and Enforcement Act 2007 (for decisions of the First-tier Tribunal) and section 65A of the Rent Act 1977 (for decisions of a rent assessment committee).”

## **Landlord and Tenant Act 1985**

**49.** The Landlord and Tenant Act 1985(**36**) is amended as follows.

**50.** In section 20(**37**) (limitation of service charges: consultation requirements), in subsection (1) (b), for “a leasehold valuation tribunal” substitute “the appropriate tribunal”.

**51.** In section 20ZA (consultation requirements: supplementary), in subsection (1), for “a leasehold valuation tribunal” substitute “the appropriate tribunal”.

**52.** In section 20C(**38**) (limitation of service charges: costs of proceedings)—

(a) in subsection (1), after “leasehold valuation tribunal” insert “or the First-tier Tribunal”;

(b) in subsection (2), after paragraph (b) insert—

“(ba) in the case of proceedings before the First-tier Tribunal, to the tribunal;”.

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**(33)** Section 318 was also amended by paragraph 38 of Schedule 9 to the Local Government and Housing Act 1989 (c. 42) and paragraphs 10 and 25(a) of Schedule 15 to the Housing Act 2004 (c. 34).

**(34)** Section 322 was substituted by paragraphs 10 and 26 of Schedule 15 to the Housing Act 2004 (c. 34).

**(35)** Paragraph 11 of Schedule 5 was substituted by the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28), section 106. Sub-paragraphs (5A) and (5B) were inserted by section 181 of the Housing Act 2004 (c. 34). Sub-paragraph (5B) was further amended by section 310 of the Housing and Regeneration Act 2008 (c. 17) and by paragraph 176 of Schedule 1 to the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Provisions) Order 2009 (S.I. 2009/1307). The amendments inserting subsections (5A) and (5B) are not yet in force in Wales.

**(36)** 1985 c. 70

**(37)** Sections 20 and 20ZA were substituted by section 151 of the Commonhold and Leasehold Reform Act 2002 (c. 15).

**(38)** Section 20C was inserted by the Landlord and Tenant Act 1987(c. 31). Subsections (1) and (2) were amended by paragraph 32 of Schedule 15 to the Housing Act 2004 (c. 57) and by the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307).

**53.** In section 21A(39) (withholding of service charges), in subsection (4), for “a leasehold valuation tribunal” substitute “the appropriate tribunal”.

**54.** In section 27A(40) (liability to pay service charges: jurisdiction), in subsections (1), (3) and (7), for “a leasehold valuation tribunal” substitute “the appropriate tribunal”.

**55.** In section 29(41) (meaning of “recognised tenants’ association”)—

(a) in subsection (1) for paragraph (b) substitute—

“(b) by a certificate—

(i) in relation to dwellings in England, of the First-tier Tribunal; and

(ii) in relation to dwellings in Wales, of a member of the local rent assessment committee panel.”;

(b) in subsection (3), for “under subsection (1)(b)” substitute “under subsection (1)(b)(i) may be cancelled by the First-tier Tribunal, and a certificate given under subsection (1)(b)(ii)”;

(c) in subsection (4), after “registration area” insert “in Wales”;

(d) in subsection (5)—

(i) in paragraph (a) for “subsection (1)(b)” substitute “subsection (1)(b)(ii)”;

(ii) in paragraph (b) for “such a certificate” substitute “a certificate under subsection (1)(b)”.

**56.** In section 38 (minor definitions), after the definition of “address” insert—

““appropriate tribunal” means—

(a) in relation to a dwelling in England the First-tier Tribunal or, where determined by or under Tribunal Procedure Rules, the Upper Tribunal; and

(b) in relation to a dwelling in Wales, a leasehold valuation tribunal;”.

**57.** In the Schedule (rights of tenants with respect to insurance), in paragraph 8(2)(42), for “leasehold valuation tribunal” substitute “the appropriate tribunal”.

### **Landlord and Tenant Act 1987**

**58.** The Landlord and Tenant Act 1987(43) is amended as follows.

**59.** In section 8C (election in case of disposal of non-monetary consideration), in subsection (4), for “a leasehold valuation tribunal” substitute “the appropriate tribunal”.

**60.** In section 12A (right of qualifying tenants to take benefit of contract), in subsection (5), for “a leasehold valuation tribunal” substitute “the appropriate tribunal”.

**61.** In section 12B (right of qualifying tenants to compel sale, &c by purchaser), in subsection (4), for “a leasehold valuation tribunal” substitute “the appropriate tribunal”.

**62.** In section 12C (rights of qualifying tenants to compel grant of new tenancy by superior landlord), in subsection (6), for “a leasehold valuation tribunal” substitute “the appropriate tribunal”.

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(39) Section 21A was inserted by section 152 of the Commonhold and Leasehold Reform Act 2002 (c. 15).

(40) Section 27A was inserted by section 155 of the Commonhold and Leasehold Reform Act 2002 (c. 15).

(41) Section 29 was amended by paragraph 10 of Schedule 2 to the Landlord and Tenant Act 1987 (c. 31).

(42) Paragraph 8 of the Schedule was substituted by section 83 of the Housing Act 1996 (c. 52). There are other amendments to paragraph 8 which are not relevant.

(43) 1987 c. 31. Sections 8C, 12A, 12B, 12C, 13, 14, 17, 31 and 52 were substituted by Schedule 6 to the Housing Act 1996 (c. 52). Sections 21 to 24 were amended by section 86(2) of the Housing Act 1996. Sections 35, 37, 39 and 40 were amended by section 163 of the Commonhold and Leasehold Reform Act 2002.

**63.** In section 13 (determination by questions by leasehold valuation tribunal), in subsection (1), for “A leasehold valuation tribunal” substitute “The appropriate tribunal”.

**64.** In section 14 (withdrawal of nominated person from transaction), in subsection (5), for “a leasehold valuation tribunal” substitute “the appropriate tribunal”.

**65.** In section 17 (termination of rights against new landlord or subsequent purchaser), in subsection (3)(b), for “a leasehold valuation tribunal” substitute “the appropriate tribunal”.

**66.** In section 20(1) (construction of Part 1 and power of Secretary of State to prescribe modifications), after the definition of “acceptance notice” **(44)** insert—

““appropriate tribunal” means—

- (a) in relation to premises in England, the First-tier Tribunal or, where determined by or under Tribunal Procedure Rules, the Upper Tribunal; and
- (b) in relation to premises in Wales, a leasehold valuation tribunal;”.

**67.** In the heading to Part II**(45)** (appointment of managers by a leasehold valuation tribunal), omit “leasehold valuation”.

**68.** In section 21**(46)** (tenant’s right to apply to tribunal for appointment of manager)—

- (a) in subsection (1), for “a leasehold valuation tribunal” substitute “the appropriate tribunal”;
- (b) after subsection (7), insert—

“(8) For the purposes of this Part, “appropriate tribunal” means—

- (a) in relation to premises in England, the First-tier Tribunal or, where determined by or under Tribunal Procedure Rules, the Upper Tribunal; and
- (b) in relation to premises in Wales, a leasehold valuation tribunal.”

**69.** In section 22**(47)** (preliminary notice by tenant)—

- (a) in subsection (2)(b), for “a leasehold valuation tribunal” substitute “the appropriate tribunal”; and
- (b) in subsection (3), for “A leasehold valuation tribunal” substitute “The appropriate tribunal”.

**70.** In section 23**(48)** (application to tribunal for appointment of manager), in subsection (1), for “a leasehold valuation tribunal” substitute “the appropriate tribunal”.

**71.** In section 24**(49)** (appointment of manager by a leasehold valuation tribunal)—

- (a) in the heading omit “leasehold valuation”;
- (b) in subsections (1), (2) and (9), for “A leasehold valuation tribunal” substitute “The appropriate tribunal”;
- (c) in subsection (10), for “a leasehold valuation tribunal” substitute “the appropriate tribunal”.

**72.** In section 30 (content of acquisition orders)—

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**(44)** The definition of “acceptance notice” was substituted by paragraph 3 of Part IV of Schedule 6 to the Housing Act 1996 (c. 52). There are other amendments to section 20(1) which are not relevant.

**(45)** The heading to Part 2 was substituted by section 86(2) of the Housing Act 1996 (c. 52).

**(46)** Section 21(1) has been amended by section 86 of the Housing Act 1996 (c. 52).

**(47)** Section 22(2) and (3) have been amended by section 86 of the Housing Act 1996 (c. 52) and section 160 of the Commonhold and Leasehold Reform Act 2002 (c. 15).

**(48)** Section 23(1) has been amended by section 86 of the Housing Act 1996 (c. 52) and by section 160 of the Commonhold and Leasehold Reform Act 2002 (c. 15).

**(49)** Section 24(1) has been amended by section 86 of the Housing Act 1996 (c. 52).

- (a) in subsection (1)(b), for “a rent assessment committee” substitute “the appropriate tribunal”;
  - (b) after subsection (6) insert—
    - “(7) For the purposes of this Part, “appropriate tribunal” means—
      - (a) in relation to premises in England, the First-tier Tribunal or, where determined by or under Tribunal Procedure Rules, the Upper Tribunal; and
      - (b) in relation to premises in Wales, a leasehold valuation tribunal.”.
- 73.** In section 31(**50**) (determination of terms by leasehold valuation tribunal)—
- (a) in the heading omit “leasehold valuation”;
  - (b) in subsection (1), for “A leasehold valuation tribunal” substitute “The appropriate tribunal”;
  - (c) in subsection (6), for “a leasehold valuation tribunal” substitute “the appropriate tribunal”.
- 74.** In section 34 (discharge of acquisition order and withdrawal by tenants), in subsection (5), for “a rent assessment committee” substitute “the appropriate tribunal”.
- 75.** In section 35(**51**) (application by party to lease for variation of lease)—
- (a) in subsection (1), for “a leasehold valuation tribunal” substitute “the appropriate tribunal”;
  - (b) in subsection (5), after “2002” insert “and Tribunal Procedure Rules”;
  - (c) after subsection (8), insert—
    - “(9) For the purposes of this section and sections 36 to 39, “appropriate tribunal” means—
      - (a) if one or more of the long leases concerned relates to property in England, the First-tier Tribunal or, where determined by or under Tribunal Procedure Rules, the Upper Tribunal; and
      - (b) if one or more of the long leases concerned relates to property in Wales, a leasehold valuation tribunal.”.
- 76.** In section 37(**52**) (application by majority of parties for variation of leases), in subsection (1), for “a leasehold valuation tribunal” substitute “the appropriate tribunal”.
- 77.** In section 39(**53**) (effect of orders varying leases: applications by third parties), in subsection (3)(b), for “a leasehold valuation tribunal” substitute “the appropriate tribunal”.
- 78.** In section 40(**54**) (application for variation of insurance provisions of lease or dwelling other than a flat)—
- (a) in subsection (1), for “a leasehold valuation tribunal” substitute “the appropriate tribunal”;
  - (b) after subsection (5) insert—
    - “(6) For the purposes of subsection (1), “appropriate tribunal” means—
      - (a) if one or more of the dwellings concerned is in England, the First-tier Tribunal or, where determined by or under Tribunal Procedure Rules, the Upper Tribunal; and
      - (b) if one or more of the dwellings concerned is in Wales, a leasehold valuation tribunal.”.

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**(50)** Section 31 has been amended by paragraph 5 of Part 4 of Schedule 6 to the Housing Act 1996 (c. 52).

**(51)** Section 35(1) and (5) has been amended by section 163 of the Commonhold and Leasehold Reform Act 2002 (c. 15).

**(52)** Section 37(1) has been amended by section 163 of the Commonhold and Leasehold Reform Act 2002 (c. 15).

**(53)** Section 39(3) has been amended by section 163 of the Commonhold and Leasehold Reform Act 2002 (c. 15).

**(54)** Section 40(1) has been amended by section 163 of the Commonhold and Leasehold Reform Act 2002 (c. 15).

**79.** In section 52(**55**) (jurisdiction of county courts), in subsection (1), for “a leasehold valuation tribunal” substitute “the appropriate tribunal”.

## **Housing Act 1988**

**80.** The Housing Act 1988(**56**) is amended as follows.

**81.** In section 6 (fixing of terms of statutory periodic tenancy)—

- (a) in subsection (3)(a), for “a rent assessment committee” substitute “the appropriate tribunal”;
- (b) in subsection (4)—
  - (i) for “a rent assessment committee” substitute “the appropriate tribunal”;
  - (ii) for “committee” substitute “appropriate tribunal”;
  - (iii) for “the committee’s”, in both places, substitute “the appropriate tribunal’s”.
- (c) in subsection (5), for “a rent assessment committee” substitute “the appropriate tribunal”;
- (d) in subsection (7)—
  - (i) for “a rent assessment committee” substitute “the appropriate tribunal”;
  - (ii) for “committee”, at each place, substitute “appropriate tribunal”;
- (e) in subsection (8), for “a rent assessment committee” substitute “the appropriate tribunal”.

**82.** In section 13 (increases of rent under assured periodic tenancies), in subsection (4)(a), for “a rent assessment committee” substitute “the appropriate tribunal”.

**83.** In section 14(**57**) (determination of rent by rent assessment committee)—

- (a) in the heading, for “rent assessment committee” substitute “tribunal”;
- (b) in subsection (1)—
  - (i) for “a rent assessment committee” substitute “the appropriate tribunal” ;
  - (ii) for “committee” in both places substitute “appropriate tribunal”;
- (c) in subsection (3A) for “rent assessment committee” substitute “appropriate tribunal” ;
- (d) in subsection (5) for “rent assessment committee” substitute “appropriate tribunal” ;
- (e) in subsection (6)—
  - (i) for “a rent assessment committee” substitute “the appropriate tribunal” ;
  - (ii) for “committee” in both places, substitute “appropriate tribunal”;
- (f) in subsection (7)—
  - (i) for “a rent assessment committee” substitute “the appropriate tribunal”;
  - (ii) for “the committee” substitute “the appropriate tribunal”;
  - (iii) for “the rent assessment committee” substitute “the appropriate tribunal”;
- (g) in subsection (8), for “a rent assessment committee” substitute “the appropriate tribunal”.

**84.** In section 14A(**58**) (certain pre 1 April 1994 rent cases where landlord liable for council tax), in subsection (5)(a), for “a rent assessment committee” substitute “the appropriate tribunal”.

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(55) Section 52(1) has been amended by paragraph 6 of Part 4 of Schedule 6 to the Housing Act 1996 (c. 52).

(56) 1988 c. 50

(57) Section 14 has been amended by paragraph 17 of Schedule 1 to the Local Government Finance (Housing (Consequential Amendments) Order 1993 (S.I. 1993/651) and paragraph 2 of Schedule 8 to the Housing Act 1996 (c. 52).

(58) Sections 14A and 14B were inserted by paragraph 8 of Schedule 2 to the Local Government Finance (Housing (Consequential Amendments) Order 1993 (S.I. 1993/651).

- 85.** In section 14B (interim determination of rent by rent assessment committee)—
- (a) in the heading, for “rent assessment committee” substitute “the appropriate tribunal”;
  - (b) in subsection (1)—
    - (i) for “a rent assessment committee” substitute “the appropriate tribunal”;
    - (ii) for “committee” substitute “appropriate tribunal”;
  - (c) in subsection (2)—
    - (i) for “a rent assessment committee” substitute “the appropriate tribunal”;
    - (ii) for “committee”, in each place, substitute “appropriate tribunal”;
  - (d) in subsection (3)—
    - (i) for “a rent assessment committee” substitute “the appropriate tribunal”;
    - (ii) for “committee”, in both places, substitute “appropriate tribunal”.
- 86.** In section 22(**59**) (reference of excessive rents to rent assessment committee)—
- (a) in the heading, for “rent assessment committee” substitute “appropriate tribunal”;
  - (b) in subsection (1)—
    - (i) for “a rent assessment committee” substitute “the appropriate tribunal”;
    - (ii) for “the committee’s” substitute “the appropriate tribunal’s”;
  - (c) in subsection (3)—
    - (i) for “a rent assessment committee” substitute “the appropriate tribunal”;
    - (ii) for “the committee” substitute “the appropriate tribunal”;
  - (d) in subsection (4)—
    - (i) for “a rent assessment committee” substitute “the appropriate tribunal”;
    - (ii) for “the committee” substitute “the appropriate tribunal”;
  - (e) in subsection (5A)(b), for “a rent assessment committee” substitute “the appropriate tribunal”.
- 87.** In section 23 (termination of rent assessment committee’s functions), in the heading for “rent assessment committee’s” substitute “tribunal’s”.
- 88.** In section 36(3)(a) (new restricted contracts limited to transitional cases) for “rent” substitute “appropriate”.
- 89.** In section 40 (jurisdiction of county courts), in subsection (1), for “a rent assessment committee” substitute “the appropriate tribunal”.
- 90.** In section 41A(**60**) (amounts attributable to services)—
- (a) for “rent assessment committee” substitute “appropriate tribunal”;
  - (b) for “committee” substitute “tribunal”;
  - (c) after “section 42” insert “or 42A”.
- 91.** In section 41B(**61**) (provision of information as to exemption from council tax), for “rent assessment committee”, in both places, substitute “the appropriate tribunal”.
- 92.** In section 42 (information as to determination of rents)—

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(59) Section 22 has been amended by sections 100, 104 and 227 of and paragraph 2 of Schedule 8 to the Housing Act 1996 (c. 52).

(60) Section 41A was inserted by paragraph 103 of Schedule 2 to the Social Security (Consequential Provisions) Act 1992 (c. 6).

(61) Section 41B was inserted by the Local Government Finance (Housing) (Consequential Amendments) Order 1993 (S.I. 1993/651).



- (a) in the heading, after “rents” insert “in Wales”;
- (b) in subsection (1)—
  - (i) for “every” substitute “the”;
  - (ii) for “Secretary of State” substitute “Welsh Ministers”;
  - (iii) after “rent assessment committees” insert “in areas in Wales”;
- (c) in subsection (2) omit “concerned”;
- (d) in subsection (4), for “either House of Parliament” substitute “the National Assembly for Wales”.

93. After section 42 insert—

**“Information as to determination of rents in England**

**42A.**—(1) The Chamber President of the Property Chamber of the First-tier Tribunal shall keep and make publicly available, in such manner as may be specified in an order made by the Lord Chancellor, such information as may be specified in an order made by the Secretary of State with respect to rents under assured tenancies and assured agricultural occupancies which have been the subject of references or applications to, or determinations by—

- (a) rent assessment committees in England,
- (b) the First-tier Tribunal, or
- (c) the Upper Tribunal.

(2) A copy of any information certified by a member of staff appointed by the Lord Chancellor and duly authorised by the Chamber President shall be receivable in evidence in any court and in any proceedings.

(3) An order made by the Lord Chancellor under subsection (1) may prescribe the fees to be charged for the supply of a copy, including a certified copy, of any of the information kept by virtue that subsection.

(4) The power to make an order under subsection (1) shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

94. In section 45(1) (interpretation of Part I), insert at the appropriate alphabetical place—

““appropriate tribunal” means—

- (a) in relation to a dwelling-house in England, the First-tier Tribunal or, where determined by or under Tribunal Procedure Rules, the Upper Tribunal;
- (b) in relation to a dwelling-house in Wales, a rent assessment committee;”

**Local Government and Housing Act 1989**

**95.**—(1) Schedule 10 (security of tenure on ending of long residential tenancies) to the Local Government and Housing Act 1989(62) is amended as follows.

- (2) In paragraph 4(2)(b), for “a rent assessment committee” substitute “the appropriate tribunal”.
- (3) After paragraph 4, insert—

**“4A.** For the purposes of this Schedule, “appropriate tribunal” means—

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(62) 1989 c. 42. Schedule 10 has been amended by paragraph 20 of Schedule 1 to the Local Government Finance (Housing) (Consequential Amendments) Order 1993 (S.I. 1993/651).

- (a) in relation to a dwelling-house in England, the First-tier Tribunal or, where determined by or under Tribunal Procedure Rules, the Upper Tribunal; and
  - (b) in relation to a dwelling-house in Wales, a rent assessment committee.”.
- (4) In paragraph 6—
- (a) in sub-paragraph (2)(a), for “a rent assessment committee” substitute “the appropriate tribunal”;
  - (b) in sub-paragraph (3)—
    - (i) for “a rent assessment committee” substitute “the appropriate tribunal”;
    - (ii) for “committee”, in both places, substitute “tribunal”;
  - (c) in sub-paragraph (6), for “a rent assessment committee” substitute “an appropriate tribunal”, and for “committee” substitute “tribunal”.
- (5) In paragraph 7(2), for “a rent assessment committee” substitute “the appropriate tribunal”.
- (6) In paragraph 10(2)(a) for “a rent assessment committee” substitute “the appropriate tribunal”.
- (7) In paragraph 11—
- (a) in sub-paragraph (1), for “a rent assessment committee” substitute “the appropriate tribunal”, and for “committee” in both places, substitute “tribunal”;
  - (b) in sub-paragraph (2), for “a rent assessment committee” substitute “the appropriate tribunal”;
  - (c) in sub-paragraph (3)—
    - (i) for “rent assessment committee” substitute “appropriate tribunal”;
    - (ii) for “committee’s” substitute “tribunal’s”;
    - (iii) for “committee” substitute “tribunal”;
  - (d) in sub-paragraph (5), for “rent assessment committee” substitute “appropriate tribunal”, and for “committee” at each place, substitute “tribunal”;
  - (e) in sub-paragraph (8), for “a rent assessment committee” substitute “the appropriate tribunal”, and for “committee” at each place substitute “tribunal”.
- (8) In paragraph 18, for “a rent assessment committee” substitute “the appropriate tribunal” and for “committee” substitute “appropriate tribunal”.
- (9) In paragraph 19(3)(d), for “a rent assessment committee” substitute “the appropriate tribunal”.

### **Tribunals and Inquiries Act 1992**

- 96.** The Tribunals and Inquiries Act 1992(**63**) is amended as follows.
- 97.** In section 11(1) (appeals from certain tribunals) omit “, 37”.
- 98.** In Schedule 1 (tribunals under general supervision of Council), in the entry numbered 37, after the words “rent assessment committees” insert “in Wales”.

### **Leasehold Reform, Housing and Urban Development Act 1993**

- 99.** The Leasehold Reform, Housing and Urban Development Act 1993(**64**) is amended as follows.

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(63) 1992 c. 53. Section 11 and Schedule 1 have been amended but none of the amendments is relevant.

(64) 1993 c. 28

**100.** In the italic heading before section 22 (proceedings relating to validity of initial notice), omit “leasehold valuation”.

**101.** In section 24 (applications where terms in dispute or failure to enter contract), in subsections (1), (3)(b), (4)(b)(i) and (6)(b), for “a leasehold valuation tribunal”, substitute “the appropriate tribunal”.

**102.** In section 25 (applications where reversioner fails to give counter-notice or further counter-notice) in subsection (6)(b)(i), for “a leasehold valuation tribunal” substitute “the appropriate tribunal”.

**103.** In section 27 (supplementary provisions relating to vesting orders under section 26(1)), in subsections (1)(b), (2), (3)(a), (4) and (5)(a), for “a leasehold valuation tribunal” in each place, substitute “the appropriate tribunal”.

**104.** In section 33 (costs of enfranchisement), in subsection (5), for “a leasehold valuation tribunal” substitute “the appropriate tribunal”.

**105.** In section 38 (interpretation of Chapter 1), insert in the appropriate alphabetical place—

““appropriate tribunal” means—

- (a) in relation to premises in England, the First-tier Tribunal or, where determined by or under Tribunal Procedure Rules, the Upper Tribunal; and
- (b) in relation to premises in Wales, a leasehold valuation tribunal.”.

**106.** In the italic heading before section 46 (proceedings relating to validity of tenant’s notice), omit “leasehold valuation”.

**107.** In section 48 (applications where terms in dispute or failure to enter into new lease), in subsections (1), (3)(b) and (6)(b), for “a leasehold valuation tribunal” substitute “the appropriate tribunal”.

**108.** In section 51 (supplementary provisions relating to vesting orders under section 50(1)), in subsections (1), (2), (3)(a), (4) and (5)(a), for “a leasehold valuation tribunal” substitute “the appropriate tribunal”.

**109.** In section 60 (costs incurred in connection with new lease to be paid by tenant), in subsection (5), for “a leasehold valuation tribunal” substitute “the appropriate tribunal”.

**110.** In section 62 (interpretation of Chapter II), insert in the appropriate alphabetical place—

““appropriate tribunal” means—

- (a) in relation to premises in England, the First-tier Tribunal or, where determined by or under Tribunal Procedure Rules, the Upper Tribunal; and
- (b) in relation to premises in Wales, a leasehold valuation tribunal.”.

**111.** In section 69 (estate management schemes)—

(a) in subsections (1), (2) and (5)(a), for “leasehold valuation tribunal”, substitute “the appropriate tribunal”;

(b) after subsection (7) insert—

“(8) For the purposes of this Chapter, “appropriate tribunal” means—

- (a) in relation to an area or areas in England, the First-tier Tribunal or, where determined by or under Tribunal Procedure Rules, the Upper Tribunal; and
- (b) in relation to an area or areas in Wales, a leasehold valuation tribunal.”.

**112.** In section 70(**65**) (approval by leasehold valuation tribunal of estate management scheme)—

- (a) in the heading, omit “leasehold valuation”;
- (b) in subsections (1), (2), (3), (4), (7) and (10), for “a leasehold valuation tribunal” substitute “the appropriate tribunal”.

**113.** In section 71 (applications by two or more landlords or by representative bodies), in subsections (1) and (3), for “a leasehold valuation tribunal”, substitute “the appropriate tribunal”.

**114.** In section 73 (applications by certain public bodies), in subsection (1), for “a leasehold valuation tribunal” substitute “the appropriate tribunal”.

**115.** In section 75 (variation of existing schemes), in subsections (1)(a) and (2), for “leasehold valuation tribunal”, substitute “the appropriate tribunal”.

**116.** In the italic heading before section 88, omit “leasehold valuation”.

**117.** In section 88(**66**) (jurisdiction of leasehold valuation tribunals in relation to enfranchisement etc of crown land)—

- (a) in the heading, omit “leasehold valuation”;
- (b) in subsection (2), for “a leasehold valuation tribunal” in both places, substitute “the appropriate tribunal”;
- (c) after subsection (6) insert—

“(6A) For the purposes of subsection (2), “appropriate tribunal” means—

- (a) in relation to a house and premises in England, the First-tier Tribunal or, where determined by or under Tribunal Procedure Rules, the Upper Tribunal; and
- (b) in relation to a house and premises in Wales, a leasehold valuation tribunal.”.

**118.** In section 90 (jurisdiction of county courts), in subsection (2), for “a leasehold valuation tribunal by virtue of section 91” substitute “the appropriate tribunal (within the meaning of section 91) by virtue of that section”.

**119.** In section 91(**67**) (jurisdiction of leasehold valuation tribunals)—

- (a) in the heading, omit “leasehold valuation”;
- (b) in subsection (1), for “a leasehold valuation tribunal” substitute “the appropriate tribunal”;
- (c) in subsection (9), for “A leasehold valuation tribunal” substitute “The appropriate tribunal”;
- (d) after subsection (11) insert—

“(12) For the purposes of this section, “appropriate tribunal” means—

- (a) in relation to property in England, the First-tier Tribunal or, where determined by or under Tribunal Procedure Rules, the Upper Tribunal; and
- (b) in relation to property in Wales, a leasehold valuation tribunal.”.

**120.** In section 93 (agreements excluding or modifying rights of tenant under Chapter I and II), in subsection (3)(a)(ii), for “a leasehold valuation tribunal” substitute “the appropriate tribunal (within the meaning of that Chapter)”.

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(65) Section 70(1) has been amended by section 118 of the Housing Act 1996 (c. 52).

(66) Section 88(2) has been amended by paragraph 14 of Schedule 13 to the Commonhold and Leasehold Reform Act 2002 (c. 15).

(67) Section 91 has been amended by sections 176 and 180 of and paragraphs 12 and 15 of Schedule 13 to the Commonhold and Leasehold Reform Act 2002 (c. 15).

**121.** In section 94(68) (crown land), in subsection (10)(b), for “a leasehold valuation tribunal” in both places, substitute “the appropriate tribunal (within the meaning of the relevant Chapter)”.

**122.** In section 101(9) (general interpretation of Part I), after “leasehold valuation tribunal” insert “the First-tier Tribunal or Upper Tribunal”.

**123.** In Schedule 1 (conduct of proceedings by reversioner on behalf of other landlords), in paragraphs 6(2)(b) and 7(3), for “a leasehold valuation tribunal” substitute “the appropriate tribunal”.

**124.** In Schedule 2 (special categories of landlords), in paragraph 8(2)(a)(69), for “a leasehold valuation tribunal” substitute “the appropriate tribunal”.

**125.** In Schedule 5 (vesting orders under sections 24 and 25), in paragraphs 2(1)(a) and 3(1)(b), for “a leasehold valuation tribunal”, substitute “the appropriate tribunal”.

**126.** In Schedule 9 (grant of leases back to the former freeholder)—

(a) in paragraphs 4(1) and 7(1)(b), for “a leasehold valuation tribunal”, substitute “the appropriate tribunal”;

(b) in paragraphs 4(2) and 7(2), for “A leasehold valuation tribunal”, substitute “The appropriate tribunal”.

**127.** In Schedule 11 (procedure where competent landlord is not tenant’s immediate landlord), in paragraph 6(1)(c), for “a leasehold valuation tribunal” substitute “the appropriate tribunal”.

**128.** In Schedule 13(70) (premium and other amounts payable by tenant on grant of new lease), in paragraphs 4A(5)(b) and 4B(5)(b), for “a leasehold valuation tribunal” substitute “the appropriate tribunal”.

**129.** In Schedule 14 (provisions supplementary to section 61), in paragraph 2(1), for “a leasehold valuation tribunal” substitute “the appropriate tribunal”.

## **Housing Act 1996**

**130.** In the Housing Act 1996(71), in section 81 (restriction on termination of tenancy for failure to pay service charge)—

(a) in subsections (1)(a) and (5A), for “a leasehold valuation tribunal”, substitute “the appropriate tribunal”;

(b) after subsection (6) insert—

“(7) For the purposes of this section, “appropriate tribunal” means—

(a) in relation to premises in England, the First-tier Tribunal or, where determined by or under Tribunal Procedure Rules, the Upper Tribunal; and

(b) in relation to premises in Wales, a leasehold valuation tribunal.”.

## **Commonhold and Leasehold Reform Act 2002**

**131.** The Commonhold and Leasehold Reform Act 2002(72) is amended as follows.

**132.** In section 79 (notice of claim to acquire right), in subsection (9), omit “leasehold valuation”.

(68) Section 94(10) has been amended by section 180 of and Schedule 18 to the Commonhold and Leasehold Reform Act 2002 (c. 15).

(69) Paragraph 8(2) of Schedule 2 has been amended by paragraph 31 of Schedule 5 to the Church of England (Miscellaneous Provisions) Measure 2006 (2006 No. 1).

(70) Paragraphs 4A and 4B of Schedule 13 were inserted by section 110 of the Housing Act 1996 (c. 52).

(71) 1996 c. 52. Section 81(1) and (5A) have been amended by sections 170 and 176 of and paragraph 16 of Schedule 13 to the Commonhold and Leasehold Reform Act 2002 (c. 15).

(72) 2002 c. 15

**133.** In section 84 (counter-notices), in subsection (3), for “a leasehold valuation tribunal” substitute “the appropriate tribunal”.

**134.** In section 85 (landlords etc. not traceable)—

- (a) in subsection (2), for “a leasehold valuation tribunal” substitute “the appropriate tribunal”;
- (b) in subsections (6)(b) and (8)(b), omit “leasehold valuation”.

**135.** In section 88 (costs: general), in subsections (3) and (4), for “a leasehold valuation tribunal” substitute “the appropriate tribunal”.

**136.** In section 94 (duty to pay accrued uncommitted service charges), in subsection (3), for “a leasehold valuation tribunal” substitute “the appropriate tribunal”.

**137.** In section 99 (approvals: supplementary), in subsections (1)(b) and (5), for “a leasehold valuation tribunal” substitute “the appropriate tribunal”.

**138.** In section 112 (definitions), in subsection (1) insert in the appropriate alphabetical place—  
““appropriate tribunal” means—

- (a) in relation to premises in England, the First-tier Tribunal or, where determined by Tribunal Procedure Rules, the Upper Tribunal; and
- (b) in relation to premises in Wales, a leasehold valuation tribunal.”.

**139.** In section 159 (charges under estate management schemes)—

- (a) in subsections (3), (6) and (8), for “a leasehold valuation tribunal” substitute “the appropriate tribunal”;
- (b) after subsection (12) insert—

“(13) For the purposes of this section, “appropriate tribunal” means—

- (a) in relation to premises in England, the First-tier Tribunal or, where determined by or under Tribunal Procedure Rules, the Upper Tribunal; and
- (b) in relation to premises in Wales, a leasehold valuation tribunal.”.

**140.** In the italic heading before section 160 (third parties with management responsibilities), omit “leasehold valuation”.

**141.** In section 168 (no forfeiture notice before determination of breach)—

- (a) in subsection (4), for “a leasehold valuation tribunal” substitute “the appropriate tribunal”;
- (b) after subsection (5) insert—

“(6) For the purposes of subsection (4), “appropriate tribunal” means—

- (a) in relation to a dwelling in England, the First-tier Tribunal or, where determined by or under Tribunal Procedure Rules, the Upper Tribunal; and
- (b) in relation to a dwelling in Wales, a leasehold valuation tribunal.”.

**142.** In section 172 (application to Crown) in subsection (1)(b), for “leasehold valuation tribunal” substitute “the appropriate tribunal”.

**143.** In section 175 (appeals), omit subsections (8) and (9).

**144.** After section 176 (leasehold valuation tribunals) insert—

## “CHAPTER 6A

### FIRST-TIER TRIBUNAL AND UPPER TRIBUNAL

#### **Transfer from court to First-tier Tribunal**

**176A.**—(1) Where, in any proceedings before a court, there falls for determination a question which the First-tier Tribunal or the Upper Tribunal would have jurisdiction to determine under an enactment specified in subsection (2) on an appeal or application to the tribunal, the court—

- (a) may by order transfer to the First-tier Tribunal so much of the proceedings as relate to the determination of that question;
  - (b) may then dispose of all or any remaining proceedings pending the determination of that question by the First-tier Tribunal or, where determined by or under Tribunal Procedure Rules, the Upper Tribunal, as it thinks fit.
- (2) The enactments specified for the purposes of subsection (1) are—
- (a) this Act,
  - (b) the Leasehold Reform Act 1967,
  - (c) the Landlord and Tenant Act 1985,
  - (d) the Landlord and Tenant Act 1987,
  - (e) the Leasehold Reform, Housing and Urban Development Act 1993, and
  - (f) the Housing Act 1996.

(3) Where the First-tier Tribunal or the Upper Tribunal has determined the question, the court may give effect to the determination in an order of the court.

(4) Rules of court may prescribe the procedure to be followed in a court in connection with or in consequence of a transfer under this section.

#### **Appeals from the First-tier Tribunal**

**176B.**—(1) A person aggrieved by a decision of the First-tier Tribunal under or in connection with an enactment specified in section 176A(2) may appeal to the Upper Tribunal.

(2) An appeal may not be brought under subsection (1) in relation to a decision on a point of law (as to which see instead section 11 of the Tribunals, Courts and Enforcement Act 2007 (right of appeal to Upper Tribunal)).

(3) An appeal may not be brought under subsection (1) if the decision is set aside under section 9 of the Tribunals, Courts and Enforcement Act 2007 (review of decision of First-tier Tribunal).

(4) An appeal may be brought under subsection (1) only if, on an application made by the person concerned, the First-tier Tribunal or Upper Tribunal has given its permission for the appeal to be brought.

(5) In any case where the Upper Tribunal is determining an appeal under subsection (1), section 12(2) to (4) of the Tribunals, Courts and Enforcement Act 2007 (proceedings on appeal to the Upper Tribunal) apply.

#### **Enforcement**

**176C.** Any decision of the First-tier Tribunal or Upper Tribunal under or in connection with an enactment specified in section 176A(2), other than a decision ordering the payment

of a sum (as to which see section 27 (enforcement) of the Tribunals, Courts and Enforcement Act 2007), is to be enforceable with the permission of a county court in the same way as orders of such a court.”

**145.** In Schedule 6 (premises excluded from right to manage), in paragraph 5(3), for “A leasehold valuation tribunal” substitute “The appropriate tribunal”.

**146.** In Schedule 7 (right to manage: statutory provisions)—

- (a) in paragraph 8(1), omit “leasehold valuation”;
- (b) in paragraph 8(6), for “a leasehold valuation tribunal” substitute “the appropriate tribunal”.

**147.** In Schedule 11 (administrative charges)—

- (a) in paragraphs 3(1) and 5(1) and (3), for “a leasehold valuation tribunal” substitute “the appropriate tribunal”;
- (b) after paragraph 6(5), insert—

“(6) “Appropriate tribunal” means—

- (a) in relation to premises in England, the First-tier Tribunal or, where determined by or under Tribunal Procedure Rules, the Upper Tribunal; and
- (b) in relation to premises in Wales, a leasehold valuation tribunal.”.

**148.** In Schedule 12 (leasehold valuation tribunals: procedure), in paragraph 1, for “appropriate national authority” substitute “Welsh Ministers”.

## **Housing Act 2004**

**149.** The Housing Act 2004(73) is amended as follows.

**150.** In section 22 (contents of prohibition orders), in subsection (9), for “a residential property tribunal” substitute “the appropriate tribunal”.

**151.** In section 34 (power of tribunal to determine or vary lease), in subsection (2), for “a residential property tribunal” substitute “the appropriate tribunal”.

**152.** In section 45 (appeals relating to emergency measures)—

- (a) in subsections (1) and (2), for “a residential property tribunal” substitute “the appropriate tribunal”;
- (b) in subsection (4), for “A residential property tribunal” substitute “The appropriate tribunal”.

**153.** In section 62 (temporary exemption from licensing requirement), in subsection (7), for “a residential property tribunal” substitute “the appropriate tribunal”.

**154.** In section 72 (offences in relation to licensing of HMOs), in subsection (9)(a), for “a residential property tribunal” substitute “the appropriate tribunal”.

**155.** In section 73 (other consequences of operating unlicensed HMOs: rent repayment orders), in subsection (5)(a), for “a residential property tribunal” substitute “the appropriate tribunal”.

**156.** In section 86 (temporary exemption from licensing requirement), in subsection (7), for “a residential property tribunal” substitute “the appropriate tribunal”.

**157.** In section 95 (offences in relation to licensing of houses under this Part), in subsection (8) (a), for “a residential property tribunal” substitute “the appropriate tribunal”.



**158.** In section 96 (other consequences of operating unlicensed houses: rent repayment orders), in subsection (5)(a), for “a residential property tribunal” substitute “the appropriate tribunal”.

**159.** In section 102 (making of interim management orders), in subsections (4)(b) and (7), for “a residential property tribunal” substitute “the appropriate tribunal”.

**160.** In section 103 (special interim management orders), in subsection (2), for “A residential property tribunal” substitute “The appropriate tribunal”.

**161.** In section 105 (operation of interim management orders), in subsections (8)(b) and (11), for “a residential property tribunal” substitute “the appropriate tribunal”.

**162.** In section 110 (financial arrangements while order is in force), in subsection (7), for “a residential property tribunal” substitute “the appropriate tribunal”.

**163.** In section 114 (operation of final management orders), in subsections (5)(b) and (8), for “a residential property tribunal” substitute “the appropriate tribunal”.

**164.** In section 120 (enforcement of management scheme by relevant landlord), in subsection (1), for “a residential property tribunal” substitute “the appropriate tribunal”.

**165.** In section 126 (effect of management orders: furniture), in subsection (4), for “a residential property tribunal” substitute “the appropriate tribunal”.

**166.** In section 130 (termination of management orders; leases, agreements and proceedings), in subsection (9), for “a residential property tribunal” substitute “the appropriate tribunal”.

**167.** In section 133 (making of interim EDMOs), in subsections (1)(b), (3), (4) and (6), for “a residential property tribunal” substitute “the appropriate tribunal”.

**168.** In section 134 (authorisation to make interim EDMOs), in subsection (1), for “A residential property tribunal” substitute “The appropriate tribunal”.

**169.** In section 138 (compensation payable to third parties), in subsection (1), for “a residential property tribunal” substitute “the appropriate tribunal”.

**170.** In section 143 (appeals against overcrowding notices)—

- (a) in subsection (1), for “a residential property tribunal” substitute “the appropriate tribunal”;
- (b) in subsection (6), for “A residential property tribunal” substitute “The appropriate tribunal”.

**171.** In section 144 (revocation and variation of overcrowding notices)—

- (a) in subsection (2), for “a residential property tribunal” substitute “the appropriate tribunal”;
- (b) in subsection (6), for “A residential property tribunal” substitute “The appropriate tribunal”.

**172.** In section 181(6)(a) (exceptions to the right to buy: determination whether exception for dwelling-house suitable for elderly persons applies), for “a residential property tribunal” substitute “the appropriate tribunal”.

**173.** In section 229 (residential property tribunals), in subsection (3), for “appropriate national authority” substitute “National Assembly for Wales”.

**174.** In section 230(1) (powers and procedure of residential property tribunals), after “jurisdiction” insert “in respect of premises situated in Wales”.

**175.** In section 231 (appeals from residential property tribunals), for subsection (4) substitute—  
“(4) Section 65A of the Rent Act 1977 (right of appeal from a rent assessment committee in Wales) does not apply to a decision of a residential property tribunal.”

**176.** After section 231 (appeals from residential property tribunals) insert—  
“First-tier Tribunal and Upper Tribunal

**Additional Powers of First-tier Tribunal and Upper Tribunal**

**231A.**—(1) The First-tier Tribunal and Upper Tribunal exercising any jurisdiction conferred by or under the Mobile Homes Act 1983, the Housing Act 1985 or this Act has, in addition to any specific powers exercisable by them in exercising that jurisdiction, the general power mentioned in subsection (2).

(2) The tribunal’s general power is a power to give such directions as the tribunal considers necessary or desirable for securing the just, expeditious and economical disposal of the proceedings or any issue in or in connection with them.

(3) When exercising jurisdiction under this Act, the directions which may be given by the tribunal under its general power include (where appropriate)—

- (a) directions requiring a licence to be granted under Part 2 or 3 of this Act;
- (b) directions requiring any licence so granted to contain such terms as are specified in the directions;
- (c) directions requiring any order made under Part 4 of this Act to contain such terms as are so specified;
- (d) directions that any building or part of a building so specified is to be treated as if an HMO declaration had been served in respect of it on such date as is so specified (and such a direction is to be an excluded decision for the purposes of section 11(1) and 13(1) of the Tribunals, Courts and Enforcement Act 2007);
- (e) directions requiring the payment of money by one party to the proceedings to another by way of compensation, damages or otherwise.

(4) When exercising jurisdiction under the Mobile Homes Act 1983, the directions which may be given by the tribunal under its general power include (where appropriate)—

- (a) directions requiring the payment of money by one party to the proceedings to another by way of compensation, damages or otherwise;
- (b) directions requiring the arrears of pitch fees or the recovery of overpayments of pitch fees to be paid in such manner and by such date as may be specified in the directions;
- (c) directions requiring cleaning, repairs, restoration, re-positioning or other works to be carried out in connection with a mobile home, pitch or protected site in such manner as may be specified in the directions;
- (d) directions requiring the establishment, provision or maintenance of any service or amenity in connection with a mobile home, pitch or protected site in such manner as may be specified in the directions.

(5) In subsection (4)—

“mobile home” and “protected site” have the same meaning as in the Mobile Homes Act 1983 (see section 5 of that Act);

“pitch” has the meaning given by paragraph 1(4) of Chapter 1 of Part 1 of Schedule 1 to that Act<sup>(74)</sup>;

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<sup>(74)</sup> Schedule 1 to the Mobile Homes Act 1983 has been substantially amended in relation to England and Wales, by sections 206 to 208 of the Housing Act 2004 (c. 34). It has also been amended by the Mobile Homes Act 1983 (Amendment of Schedule 1 and Consequential Amendments) (England) Order 2011 (S.I. 2011/1003) and the Mobile Homes Act 1983 (Jurisdiction of Residential Property Tribunals) (England) Order 2011 (S.I. 2011/1005). There have been other amendments to that Schedule which are not relevant for the purposes of this Order.

“pitch fee” has the meaning given in paragraph 29 of Chapter 2, paragraph 13 of Chapter 3, or paragraph 27 of Chapter 4, of Part 1 of Schedule 1 to that Act, as the case may be.

### **Transfer from court to First-tier Tribunal**

**231B.**—(1) Where, in any proceedings before a court, there falls for determination a question which the First-tier Tribunal or the Upper Tribunal would have jurisdiction to determine on an appeal or application to the tribunal in connection with the Mobile Homes Act 1983, the Housing Act 1985 or this Act, the court—

- (a) may by order transfer to the First-tier Tribunal so much of the proceedings as relate to the determination of that question;
- (b) may then dispose of all or any remaining proceedings pending the determination of that question by the First-tier Tribunal or the Upper Tribunal, as it thinks fit.

(2) Where the First-tier Tribunal or the Upper Tribunal has determined the question, the court may give effect to the determination in an order of the court.

(3) Rules of court may prescribe the procedure to be followed in a court in connection with or in consequence of a transfer under this section

(4) Nothing in this Act or in the Mobile Homes Act 1983 affects any power of a court to make an order that could be made by the tribunal (such as an order quashing a licence granted or order made by a local housing authority) in a case where—

- (a) the court has not made a transfer under this paragraph, and
- (b) the order is made by the court in connection with disposing of any proceedings before it.

### **Appeals from the First-tier Tribunal**

**231C.**—(1) A person aggrieved by a decision of the First-tier Tribunal made under or in connection with—

- (a) the Mobile Homes Act 1983,
- (b) the Housing Act 1985 (other than one made under paragraph 11 of Schedule 5 to that Act), or
- (c) this Act,

may appeal to the Upper Tribunal.

(2) An appeal may not be brought under subsection (1) in relation to a decision on a point of law (as to which see instead section 11 of the Tribunals, Courts and Enforcement Act 2007 (right of appeal to Upper Tribunal)).

(3) An appeal may not be brought under subsection (1) if the decision is set aside under section 9 of the Tribunals, Courts and Enforcement Act 2007 (review of decision of First-tier Tribunal).

(4) An appeal may be brought under subsection (1) only if, on an application made by the person concerned, the First-tier Tribunal or Upper Tribunal has given its permission for the appeal to be brought.

(5) In any case where the Upper Tribunal is determining an appeal under subsection (1), section 12(2) to (4) of the Tribunals, Courts and Enforcement Act 2007 (proceedings on appeal to the Upper Tribunal) apply.

## Enforcement

**231D.** Any decision of the First-tier Tribunal or Upper Tribunal under or in connection with the Mobile Homes Act 1983, the Housing Act 1985 or this Act, other than a decision ordering the payment of a sum (as to which see section 27 (enforcement) of the Tribunals, Courts and Enforcement Act 2007), is to be enforceable with the permission of a county court in the same way as orders of such a court.”

**177.** In section 244 (power to prescribe forms), in subsection (2) after “this Act” insert “or in relation to a document given or made by the First-tier Tribunal or Upper Tribunal”.

**178.** In section 255 (HMO declarations)—

- (a) in subsection (9), for “a residential property tribunal” substitute “the appropriate tribunal”;
- (b) after subsection (12) insert—

“(13) For the purposes of this section and section 256, “appropriate tribunal” means

- 
- (a) in relation to a building in England, the First-tier Tribunal or, where determined by or under Tribunal Procedure Rules, the Upper Tribunal; and
- (b) in relation to a building in Wales, a residential property tribunal.”

**179.** In section 256 (revocation of HMO declarations), in subsection (4), for “a residential property tribunal” substitute “the appropriate tribunal”.

**180.** In section 261 (meaning of “appropriate national authority”, “local housing authority” etc) after subsection (7) insert—

“(8) In this Act “appropriate tribunal” means—

- (a) in relation to premises in England, the First-tier Tribunal or, where determined by or under Tribunal Procedure Rules, the Upper Tribunal; and
- (b) in relation to premises in Wales, a residential property tribunal.”

**181.** In Schedule 1 (procedure and appeals relating to improvement notices)—

- (a) in paragraphs 10(1), 13(1), 14(3), 15(1) and 18(1), for “a residential property tribunal” substitute “the appropriate tribunal”;
- (b) in the headings to paragraphs 15 and 18, omit “residential property”.

**182.** In Schedule 2 (procedure and appeals relating to prohibition orders)—

- (a) in paragraphs 7(1), 9, 11(1) and 13(1), for “a residential property tribunal” substitute “the appropriate tribunal”;
- (b) in paragraph 10(3), for “A residential property tribunal” substitute “The appropriate tribunal”;
- (c) in the headings to paragraphs 11 and 13, omit “residential property”.

**183.** In Schedule 3 (improvement notices: enforcement action by local housing authorities)—

- (a) in paragraphs 8(5), 11(1) and 14(1), for “a residential property tribunal” substitute “the appropriate tribunal”;
- (b) in paragraph 11(3), for “A residential property tribunal” substitute “The appropriate tribunal”.

**184.** In Schedule 5 (Licences under Parts 2 and 3: procedure and appeals)—

- (a) in paragraphs 31(1), 32(1) and 34(1), for “a residential property tribunal” substitute “the appropriate tribunal”;

- (b) in paragraph 33(3), for “A residential property tribunal” substitute “The appropriate tribunal”;
  - (c) in the heading to paragraph 34, omit “residential property”.
- 185.** In Schedule 6 (management orders: procedures and appeals)—
- (a) in paragraphs 24(1) and (4)(b), 26(1), 28, 30(1) and 32(2), for “a residential property tribunal” substitute “the appropriate tribunal”;
  - (b) in paragraphs 25(3), 29(3) and 33(3), for “A residential property tribunal” substitute “The appropriate tribunal”;
  - (c) in the headings to paragraphs 26, 30 and 34, omit “residential property”.
- 186.** In Schedule 7 (further provisions regarding empty dwelling management orders)—
- (a) in paragraphs 1(5)(b), 2(3)(d), 5(7), 9(6)(b) and (9), 10(3)(d), 14(1), 22(4)(b), 26(1), 28(1), 30, 32(1) and 34(2), for “a residential property tribunal”, substitute “the appropriate tribunal”;
  - (b) in paragraphs 22(1), 27(3), 31(3) and 35(3), for “A residential property tribunal”, substitute “The appropriate tribunal”;
  - (c) in paragraphs 14(4)(b), 22(4)(b) and 26(2)(b) for “residential property tribunal” substitute “appropriate tribunal”;
  - (d) in the headings to paragraphs 22, 28, 32 and 36, omit “residential property”.
- 187.** In Schedule 13 (residential property tribunals: procedure), in paragraph 1, for “appropriate national authority” substitute “Welsh Ministers”.

## PART 2

### Provisions consequential upon transfer of functions from agricultural land tribunals for areas in England

#### Hill Farming Act 1946

**188.** In the Hill Farming Act 1946(75), in section 21 (avoidance or relaxation of covenants against heather and grass burning in England and Wales)—

- (a) in subsection (1), for “Agricultural Land Tribunal” substitute “appropriate tribunal”;
- (b) after subsection (1) insert—

“(1A) Where the land lies partly in Wales and partly in England, for the purposes of anything required or authorised to be done under this section by or before an appropriate tribunal in relation to that land, the land shall be deemed to be situated entirely in the place where the greater part of the land lies.

(1B) For the purposes of this section, “appropriate tribunal” means—

- (a) in England, the First-tier Tribunal; and
- (b) in Wales, the Agricultural Land Tribunal.”

#### Agriculture Act 1947

**189.** The Agriculture Act 1947(76) is amended as follows.

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(75) 1946 c. 73. Section 21(1) was substituted by paragraph 1 of Schedule 1 to the Agriculture Act 1958 (c. 71).

(76) 1947 c. 48

**190.** In section 73 (establishment, constitution and procedure of agricultural land tribunals)<sup>(77)</sup>—

- (a) in the heading for “Tribunals” substitute “Tribunal”;
- (b) for subsection (1) substitute—
  - “(1) For Wales, there shall continue to be an Agricultural Land Tribunal with the duty of hearing and determining references and applications made to the Agricultural Land Tribunal under any enactment.”;
- (c) in subsection (2), for “Agricultural Land Tribunals”, substitute “the Agricultural Land Tribunal”;
- (d) in subsection (3)—
  - (i) for “Agricultural Land Tribunals”, substitute “the Agricultural Land Tribunal”;
  - (ii) in paragraphs (aa) and (b) at both places, for “Tribunals” substitute “Agricultural Land Tribunal”;
  - (iii) after paragraph (c) insert—
    - “(d) for the transfer of proceedings for the purposes of section 42 of the Agricultural Holdings Act 1986 (procedure where deceased held more than one holding), where the determination of associated applications concerns one or more holdings in Wales and one or more holdings in England.”;
- (e) in subsection (4), for “Agricultural Land Tribunals”, substitute “the Agricultural Land Tribunal”;
- (f) in subsection (5), for “An Agricultural Land Tribunal” substitute “The Agricultural Land Tribunal”.

**191.** For section 75 (provisions as to land lying partly in one area and partly in another) and the heading to that section substitute—

**“Provisions where some land is in Wales and some is in England and transfer of proceedings**

**75.**—(1) Where any land lies partly in Wales and partly in England, for the purposes of anything required or authorised to be done by or before the appropriate tribunal in relation to that land, the land shall be deemed to be situated entirely in the place where the greater part of the land lies.

(2) Tribunal Procedure Rules may make provision for the transfer of proceedings to or from the First-tier Tribunal where, after the making of the application, section 42 of the Agricultural Holdings Act 1986 (procedure where deceased held more than one holding) applies to the determination of associated applications.

(3) For the purposes of subsection (1), “appropriate tribunal” means—

- (a) where the land (or the greater part of the land) is in England, the First-tier Tribunal; and
- (b) where the land (or the greater part of the land) is in Wales, the Agricultural Land Tribunal.”

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<sup>(77)</sup> Section 73 has been amended by paragraph 3 of Schedule 1 to the Agriculture Act 1958 (c. 71) and by paragraphs 29 and 30 of Schedule 4 to the Constitutional Reform Act 2005 (c. 4).

**192.** In section 106(7) (criminal offence in support of provisions as to entry and inspection)(**78**), after “foregoing provisions of this Act” insert “or under section 25 of the Tribunals, Courts and Enforcement Act 2007 (supplementary powers of the Upper Tribunal)”.

**193.**—(1) Schedule 9 (constitution etc of commission, sub-commission, committees and tribunals)(**79**) is amended as follows.

(2) in paragraph 13—

(a) in the heading, for “Tribunals” substitute “Tribunal”;

(b) in sub-paragraph (1), for “each Agricultural Land Tribunal” substitute “the Agricultural Land Tribunal”.

(3) In paragraph 14(1), for “each Agricultural Land Tribunal” substitute “the Agricultural Land Tribunal”.

(4) In paragraph 15(1), for “each Agricultural Land Tribunal” substitute “the Agricultural Land Tribunal”.

(5) After paragraph 15, insert—

“**15A.**—(1) A member of the First-tier Tribunal may, at the request of the Chairman of the Agricultural Land Tribunal and with the approval of the Senior President of Tribunals, act as a member of the Agricultural Land Tribunal.

(2) Every person while acting under this paragraph may perform the functions of a member of the Agricultural Land Tribunal.”

(6) For paragraph 16(1), substitute—

“(1) Subject to paragraph 15A, for each hearing by the Agricultural Land Tribunal of an application or reference thereto, the members of the Agricultural Land Tribunal shall be—

(a) the chairman, or a person nominated by the chairman from the panel of deputy-chairmen, and

(b) one person nominated by the chairman from each of the panels drawn up under paragraph 15.”

(7) In paragraph 16A(1)(**80**)—

(a) for “an Agricultural Land Tribunal” substitute “the Agricultural Land Tribunal”;

(b) omit “for that Tribunal”.

(8) In paragraph 17(1), for “Agricultural Land Tribunals” substitute “the Agricultural Land Tribunal”.

(9) In paragraph 19(2), for “an Agricultural Land Tribunal” substitute “the Agricultural Land Tribunal”.

(10) In paragraph 22(2), for “Agricultural Land Tribunals” substitute “the Agricultural Land Tribunal”.

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(78) Section 106(7) has been amended by the Pests Act 1954 (c. 68) section 5 and by the Criminal Justice Act 1982 (c. 48) sections 35, 37 and 46.

(79) Paragraphs 13, 14 and 15 of Schedule 9 have been amended by paragraph 5 of Schedule 1 to the Agriculture Act 1958 (c. 71), paragraph 4 of Schedule 10 to the Tribunals, Courts and Enforcement Act 2007 (c. 15), paragraph 46 of Schedule 6 to the Judicial Pensions and Retirement Act 1993 (c. 8), paragraph 33 of Schedule 4 to the Constitutional Reform Act 2005 (c. 4) and by paragraph 6 of Schedule 10 to the Courts and Legal Services Act 1990 (c. 41). Paragraphs 22 and 23 of that Schedule have been amended by Part 1 of the Schedule to the Agriculture (Miscellaneous Provisions) Act 1963 (c. 11) and by Schedule 6 to the Agriculture (Miscellaneous Provisions) Act 1972 (c. 62).

(80) Paragraph 16A was inserted by the Agriculture Act 1958 (c. 71) and amended by paragraph 33 of Schedule 4 to the Constitutional Reform Act 2005 (c. 4).

(11) In paragraph 23(1) and (2), for “Agricultural Land Tribunals” substitute “the Agricultural Land Tribunal”.

#### **Agriculture (Miscellaneous Provisions) Act 1954**

**194.** The Agriculture (Miscellaneous Provisions) Act 1954(**81**) is amended as follows.

**195.** In section 5 (power of agricultural land tribunal to award costs)—

- (a) in subsection (1), for “An Agricultural Land Tribunal” substitute “The Agricultural Land Tribunal”;
- (b) in subsection (3), for “an Agricultural Land Tribunal” substitute “the Agricultural Land Tribunal”.

**196.** In section 6 (power of Agricultural land Tribunal to refer questions of law to High Court)—

- (a) for the heading, substitute “Appeals from Agricultural Land Tribunal”;
- (b) for subsection (1) substitute—
  - “(1) An appeal on any point of law from a decision of the Agricultural Land Tribunal may be made to the Upper Tribunal.”;
- (c) omit subsections (2) and (4);
- (d) for subsections (5) and (6) substitute—

“(5) Where the Agricultural Land Tribunal is notified of an appeal to the Upper Tribunal under this section from its decision, effect shall not be given to the Tribunal’s decision unless and until the Tribunal otherwise order after the appeal and any appeal arising from that appeal have been concluded (or the right to take or continue such an appeal has lapsed); and in a case relating to a notice to quit, the Tribunal may postpone (or further postpone) the date at which the tenancy is to be terminated by the notice, if it has effect.

(6) The Lord Chancellor may, by order under section 73(3) of the Agriculture Act 1947, make such provision as he thinks necessary or expedient for enabling the chairman of the Agricultural Land Tribunal to exercise all or any of the Tribunal’s powers under subsection (5), and for regulating any proceedings before the Tribunal consequent on notification of the appeal or on the decision on such an appeal, and enabling any such proceedings to be dealt with by a Tribunal constituted for that purpose, where they cannot conveniently be dealt with by the Tribunal originally constituted for the purposes of the proceedings.”

**197.** After section 6 insert—

#### **“Stay of First-tier Tribunal decision pending appeal under the Tribunals, Courts and Enforcement Act 2007**

**6A.**—(1) Where, after the First-tier Tribunal has made a decision for the purposes of any of the enactments mentioned in subsection (2), a party seeks permission to appeal, effect shall not be given to the decision unless and until the Tribunal otherwise orders following the conclusion of the appeal; and the Tribunal may, in a case relating to a notice to quit, postpone (or further postpone) the date at which the tenancy is to be terminated by the notice, if it has effect.

- (2) The enactments referred to in subsection (1) are—
  - (a) this Act;



- (b) the Agriculture Act 1947;
- (c) the Opencast Coal Act 1958<sup>(82)</sup>;
- (d) the Forestry Act 1967<sup>(83)</sup>;
- (e) the Land Compensation Act 1973, section 59 or 61<sup>(84)</sup>;
- (f) the Agricultural Holdings Act 1986<sup>(85)</sup> and regulations made under that Act;
- (g) the Agriculture Act 1986<sup>(86)</sup>;
- (h) the Land Drainage Act 1991<sup>(87)</sup>;
- (i) the Agricultural Tenancies Act 1995<sup>(88)</sup>;
- (j) schemes under section 2 of the Farm Land and Rural Development Act 1988<sup>(89)</sup>;
- (k) regulations under section 2(2) of the European Communities Act 1972<sup>(90)</sup> in relation to Set-Aside of agricultural land.”.

### **Opencast Coal Act 1958**

**198.** In the Opencast Coal Act 1958, in section 14 (provisions as to agricultural tenancies in England and Wales), in subsection (5), for “Agricultural Land Tribunal’s” substitute “Tribunal’s”.

### **Forestry Act 1967**

**199.** In the Forestry Act 1967, in section 34 (meaning of “owner” in Part 2)—

- (a) in subsection (2)(b), for “Agricultural Land Tribunal established under Part V of the Agriculture Act 1947” substitute “appropriate tribunal”; and
- (b) after subsection (2) insert—
  - “(2A) For the purposes of subsection (2), “appropriate tribunal” means—
  - (a) where the land (or the greater part of the land) is in England, the First-tier Tribunal; and
  - (b) where the land (or the greater part of the land) is in Wales, the Agricultural Land Tribunal established under Part V of the Agriculture Act 1947.”

### **Land Compensation Act 1973**

**200.** The Land Compensation Act 1973 is amended as follows.

**201.** In section 59 (notice to quit agricultural holding: right to opt for notice of entry compensation)<sup>(91)</sup>—

- (a) in subsection (1)(b)(ii), for “Agricultural Land Tribunal” substitute “appropriate tribunal”;
- (b) after subsection (1) insert—
  - “(1A) For the purposes of subsection (1), “appropriate tribunal” means—

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<sup>(82)</sup> 1958 c. 69

<sup>(83)</sup> 1967 c. 10

<sup>(84)</sup> 1973 c. 26

<sup>(85)</sup> 1986 c. 5

<sup>(86)</sup> 1986 c. 49

<sup>(87)</sup> 1991 c. 59

<sup>(88)</sup> 1995 c. 8

<sup>(89)</sup> 1988 c. 16

<sup>(90)</sup> 1972 c. 68

<sup>(91)</sup> Section 59 has been amended. Relevant amendments were made by paragraph 3 of Schedule 13 and paragraph 55 of Schedule 14 to the Agricultural Holdings Act 1986 (c. 5).

- (a) where the holding (or the greater part of the holding) is in England, the First-tier Tribunal; and
- (b) where the holding (or the greater part of the holding) is in Wales, the Agricultural Land Tribunal.”

**202.** In section 61 (notice to quit part of agricultural holding: right to claim notice of entry compensation for remainder of holding), in subsection (1), for “Agricultural Land Tribunal” substitute “appropriate tribunal referred to in subsection (1)(b)(ii) of that section”.

### **Agricultural Holdings Act 1986**

**203.** The Agricultural Holdings Act 1986 is amended as follows.

**204.** In section 27 (costs in proceedings for tribunal consents to operation of notice to quit), in subsection (7), for “Tribunal” in both places substitute “Agricultural Land Tribunal”.

**205.** In section 40 (provisions supplementary to section 39) for subsection (5) substitute—

“(5) Provision shall be made by Tribunal Procedure Rules and by order under section 73(3) of the Agriculture Act 1947 (procedure of Agricultural Land Tribunal) for requiring any person making an application to the Tribunal under section 39 or section 41 to give notice of the application to the landlord of the agricultural holding to which the application relates and to take such steps as the rules or the order may require for bringing the application to the notice of other persons interested in the outcome of the application.”

**206.** For section 42 substitute—

#### **“Procedure where deceased held more than one holding**

**42.—(1)** This section has effect where at the expiry of the period of three months beginning with the day after the date of death of a tenant there are pending before the First-tier Tribunal, or the Agricultural Land Tribunal, or both of them, separate applications made under section 39 above by any person or (as the case may be) by each one of a number of persons, in respect of more than one agricultural land holding.

(2) If the applications are pending in both the First-tier Tribunal and the Agricultural Land Tribunal, they (together with any associated application made under section 41 above) shall be heard and determined by—

- (a) the First-tier Tribunal, if the largest holding is in England, and
- (b) the Agricultural Land Tribunal, if the largest holding is in Wales.

(3) The order in which the applications (together with any associated application made under section 41 above) are heard and determined shall, subject to and in accordance with the provisions of any such order as is referred to in section 40(5) above, be such as may be decided—

- (a) where the applications were made by one person, by that person,
- (b) where the applications were made by two or more persons, by agreement between those persons or, in default of agreement—
  - (i) by the First-tier Tribunal (if that tribunal is hearing and determining the applications), or
  - (ii) by the chairman of the Agricultural Land Tribunal (if that tribunal is hearing and determining the applications).

(4) Any decision under subsection (3)(b)(i) or (ii) shall be made according to the respective size of the holdings concerned so that any application in respect of any holding

which is larger than any of those holdings shall be heard and determined before any application in respect of that other holding.”

**207.** In section 53 (application for tenancy of holding by nominated successor), for subsection (11) substitute—

“(11) Provision shall be made by Tribunal Procedure Rules and by order under section 73(3) of the Agriculture Act 1947 (procedure of Agricultural Land Tribunal) for requiring any person making an application to the Tribunal for a direction under this section to give notice of the application to the landlord of the agricultural holding to which the application relates.”

**208.** In section 67 (compensation for long-term improvements: consent required), at the end of subsection (7) insert “(where the Tribunal is the Agricultural Land Tribunal) or by Tribunal Procedure Rules (where the Tribunal is the First-tier Tribunal or the Upper Tribunal)”.

**209.** In section 96(1) (interpretation) for the definition of “the Tribunal” substitute—

““the Tribunal” means—

- (a) where the agricultural holding (or the greater part of the holding) is in England, the First-tier Tribunal; and
- (b) where the agricultural holding (or the greater part of the holding) is in Wales, the Agricultural Land Tribunal (see section 73 of the Agriculture Act 1947).”

**210.** In Schedule 6 (eligibility to apply for new tenancy under Part 4 of this Act), in paragraph 5 omit “the secretary of”.

### **Agriculture Act 1986**

**211.** In the Agriculture Act 1986, in paragraph 11(3)(c) of Schedule 1 (tenants’ compensation for milk quota), for “Agricultural Land Tribunal” substitute “the Tribunal (within the meaning of that Act)”.

### **Land Drainage Act 1991**

**212.** The Land Drainage Act 1991 is amended as follows.

**213.** In section 28 (orders requiring the cleansing of ditches etc)—

- (a) in subsections (1) and (4), for “Agricultural Land Tribunal” substitute “appropriate tribunal”;
- (b) after subsection (5) insert—

“(6) For the purposes of this section, “appropriate tribunal” means—

- (a) where either the land or the ditch is in England, the First-tier Tribunal; and
- (b) where either the land or the ditch is in Wales, the Agricultural Land Tribunal.”

**214.** In section 30 (authorisation of drainage works in connection with a ditch)—

- (a) in subsection (1), for “Agricultural Land Tribunal” substitute “appropriate tribunal”;
- (b) after subsection (4) insert—

“(5) For the purposes of subsection (1), “appropriate tribunal” means—

- (a) where the land is in England, the First-tier Tribunal; and
- (b) where the land is in Wales, the Agricultural Land Tribunal.”

- 215.** In section 31(92) (composition and incidental powers of Agricultural Land Tribunal)—
- (a) in the heading, omit “of Agricultural Land Tribunal”;
  - (b) in subsection (1), for “each”, substitute “the”;
  - (c) in subsection (4), for “Agricultural Land Tribunal” substitute “appropriate tribunal (within the meaning of that section)”.

#### **Agricultural Tenancies Act 1995**

**216.** In the Agricultural Tenancies Act 1995(93), in section 4 (Agricultural Holdings Act 1986 not to apply in relation to new tenancies except in special cases)—

- (a) in subsection (1)(b), omit “of an Agricultural Land Tribunal”;
- (b) in subsection (2A)(a) for “of an Agricultural Land Tribunal” substitute “under section 39 or 53 of the 1986 Act”.

### **PART 3**

#### **Provisions consequential upon transfer of functions from and abolition of the Adjudicator to Her Majesty’s Land Registry**

#### **Superannuation Act 1972**

**217.** In the Superannuation Act 1972(94), in Schedule 1 (kinds of employment, etc, referred to in section 1), omit the entry relating to employment by the Adjudicator to Her Majesty’s Land Registry.

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

**218.** In the House of Commons Disqualification Act 1975(95), in Schedule 1 (judicial offices disqualifying for membership), omit “Adjudicator to Her Majesty’s Land Registry”.

#### **Northern Ireland Assembly Disqualification Act 1975**

**219.** In the Northern Ireland Assembly Disqualification Act 1975(96), in Schedule 1 (judicial offices disqualifying for membership), omit “Adjudicator to Her Majesty’s Land Registry”.

#### **Tribunals and Inquiries Act 1992**

**220.** In the Tribunals and Inquiries Act 1992(97), in Schedule 1 (tribunals under general supervision of Council), omit the entry numbered 27B relating to Land Registration.

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(92) Section 31 has been amended by paragraph 222 of Schedule 4 to the Constitutional Reform Act 2005 (c. 5).  
(93) 1995 c. 8. Section 4(2A) was inserted by article 12 of the Regulatory Reform (Agricultural Tenancies) (England and Wales) Order 2006 (S.I. 2006/2805).  
(94) 1972 c. 11. The entry referred to was inserted by the Superannuation (Admission to Schedule 1 to the Superannuation Act 1972) Order 2006, S.I. 2006/3374.  
(95) 1975 c. 24, as amended by paragraph 9 of Schedule 9 to the Land Registration Act 2002 (c. 9).  
(96) 1975 c. 25. The entry in Schedule 1 relating to the Adjudicator was inserted by paragraph 9 of Schedule 9 to the Land Registration Act 2002 (c. 9).  
(97) 1992 c. 53. The entry in Schedule 1 referred to was inserted by paragraph 8 of Schedule 9 to the Land Registration Act 2002 (c. 9).

### **Judicial Pensions and Retirement Act 1993**

- 221.** The Judicial Pensions and Retirement Act 1993(**98**) is amended as follows.
- 222.** In Part 2 of Schedule 1(**99**) (other appointments), omit the entries relating to—
- (a) the Adjudicator to Her Majesty’s Land Registry, and
  - (b) persons authorised by the Adjudicator in accordance with paragraph 4 of Schedule 9 to the Land Registration Act 2002.
- 223.** In Schedule 5(**100**) (retirement provisions: the relevant offices), omit the following entries—
- (a) “Adjudicator to Her Majesty’s Land Registry”;
  - (b) “Persons authorised by the Adjudicator to Her Majesty’s Land Registry in accordance with paragraph 4 of Schedule 9 to the Land Registration Act 2002 to carry out functions which are not of an administrative character”.

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

- 224.** In the Law of Property (Miscellaneous Provisions) Act 1994(**101**), in section 17 (notices affecting land: absence of knowledge of intended recipient’s death), in subsection (3)(c), omit “or the Adjudicator to Her Majesty’s Land Registry”.

### **Land Registration Act 2002**

- 225.** The Land Registration Act 2002(**102**) is amended as follows.
- 226.** In section 73(7) (objections), for “adjudicator”, substitute “First-tier Tribunal”.
- 227.** Omit section 107 (the adjudicator).
- 228.** In section 108 (jurisdiction)—
- (a) in subsection (1), for “adjudicator”, substitute “First-tier Tribunal”;
  - (b) in paragraph (a) of subsection (1), for “him” substitute “it”;
  - (c) in subsection (2), for “adjudicator” substitute “First-tier Tribunal”;
  - (d) after subsection (4) insert—  
“(5) The Lord Chancellor may require the registrar to make payments towards expenses of the Lord Chancellor in support of the functions conferred on the First-tier Tribunal by this section.”
- 229.** Omit section 109 (procedure).
- 230.** In section 110 (functions in relation to disputes)—
- (a) in subsection (1), for “adjudicator”, substitute “First-tier Tribunal” and omit “himself”;
  - (b) in subsection (2)—
    - (i) for “Rules” substitute “Tribunal Procedure Rules”;

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(98) 1993 c. 8

(99) The entries referred to were inserted by paragraph 8 of Schedule 11 to the Land Registration Act 2002 (c. 9) and by the Judicial Pensions and Retirement Act 1993 (Addition of Qualifying Judicial Offices) (No. 3) Order 2008, S.I. 2008/3139 respectively.

(100) The entries referred to were inserted by paragraph 28 of Schedule 11 to the Land Registration Act 2002 (c. 9) and the Judicial Pensions and Retirement Act 1993 (Addition of Qualifying Judicial Offices) (No. 3) Order 2008, S.I. 2008/3139 respectively.

(101) 1994 c. 36. Section 17(3)(c) was substituted by paragraph 31(1) and (3)(a) of Schedule 11 to the Land Registration Act 2002 (c. 9).

(102) 2002 c. 9

- (ii) in paragraphs (a) and (b), for “adjudicator”, in both places, substitute “First-tier Tribunal”;
  - (c) in subsection (3)—
    - (i) for “Rules”, substitute “Tribunal Procedure Rules”;
    - (ii) for “adjudicator”, in both places, substitute “First-tier Tribunal”;
    - (iii) for “the rules”, substitute “Tribunal Procedure Rules”;
  - (d) in subsection (4), for “adjudicator”, in both places, substitute “First-tier Tribunal”.
- 231.** In section 111 (appeals)—
- (a) For subsections (1) and (2), substitute—
    - “(1) Subject to this section, a person aggrieved by a decision of the First-tier Tribunal under this Act may appeal to the Upper Tribunal.
    - (2) An appeal may not be brought under subsection (1) on a point of law (as to which see instead section 11 of the Tribunals, Courts and Enforcement Act 2007 (right of appeal to Upper Tribunal)).
    - (2A) An appeal may not be brought under subsection (1) in the case of a decision under paragraph 4 of Schedule 5 (but this does not prevent an appeal on a point of law under section 11 of the Tribunals, Courts and Enforcement Act 2007).
    - (2B) An appeal may not be brought under subsection (1) if the decision is set aside under section 9 of the Tribunals, Courts and Enforcement Act 2007 (review of decision of First-tier Tribunal).
    - (2C) An appeal may be brought under subsection (1) only if, on an application made by the person concerned, the First-tier Tribunal or Upper Tribunal has given its permission for the appeal to be brought.”
  - (b) in subsection (3)—
    - (i) after “under this section” insert “or under section 11 of the Tribunals, Courts and Enforcement Act 2007”;
    - (ii) for “court” in both places, substitute “Upper Tribunal”;
  - (c) after subsection (3) insert—
    - “(4) In any case where the Upper Tribunal is determining an appeal under subsection (1), section 12(2) to (4) of the Tribunals, Courts and Enforcement Act 2007 (proceedings on appeal to the Upper Tribunal) apply.”
- 232.** In section 112 (enforcement of orders etc) for “adjudicator” substitute “First-tier Tribunal”.
- 233.** Omit section 113 (fees).
- 234.** Omit section 114 (supplementary).
- 235.** In section 128 (rules, regulations and orders)—
- (a) in subsection (4)(b), for “Part 11 or section 121”, substitute “section 121, or”;
  - (b) omit subsection (4)(c).
- 236.** In section 132 (general interpretation), in subsection (1), omit the entry relating to the adjudicator.
- 237.** In Schedule 5, in paragraph 4 (land registry network: appeals)—
- (a) in sub-paragraph (1), for “adjudicator” substitute “First-tier Tribunal”;
  - (b) in sub-paragraph (2)—

- (i) for “adjudicator” substitute “First-tier Tribunal”;
  - (ii) for “he” substitute “the tribunal”;
  - (iii) for “his” substitute “its”.
- (c) omit sub-paragraph (3).

**238.** Omit Schedule 9 (which makes further provision about the adjudicator).

### **Constitutional Reform Act 2005**

**239.** The Constitutional Reform Act 2005(**103**) is amended as follows.

**240.** In Schedule 7 (protected functions of the Lord Chancellor), in the entry relating to the Land Registration Act 2002, for the references to section 107(1) and to Schedule 9, substitute “Section 108(5)”.

**241.** In Part 3 of Schedule 14 (appointments by the Lord Chancellor: offices to which paragraph 12(2)(d) of Schedule 12 applies) omit the entry relating to the Adjudicator to Her Majesty’s Land Registry.

## SCHEDULE 2

Article 6(2)

### Consequential provisions – secondary legislation

## PART 1

### Provisions consequential upon transfer of functions from rent assessment committees for areas in England

#### **The Rent Assessment Committees (England and Wales) Regulations 1971**

**1.** In the Rent Assessment Committees (England and Wales) Regulations 1971(**104**), after regulation 1 (citation and commencement) insert—

#### **“Application**

**1A.** These Regulations apply in relation to Wales.”.

#### **The Rent Act 1977 (Forms etc) Regulations 1980**

**2.** The Rent Act 1977 (Forms etc) Regulations 1980(**105**) are amended as follows.

**3.** In regulation 8—

- (a) for “The register” substitute “Each of the registers”;
- (b) after “under” insert “sections 79(1)and 79A(1)”.

**4.** In Schedule 1—

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(103) 2005 c. 4

(104) S.I. 1971/1065. The Regulations have been amended but none of the amendments are relevant.

(105) S.I. 1980/1697. Schedule 1 to the Regulations has been amended by S.I. 1984/1391, 1987/266, 1988/2195, 1993/655, 1997/2971, 2008/2831, 2010/671, 2012/641 and 1988/2195.

- (a) in Form 1—
  - (i) in paragraphs 1 and 2(a), for “a Rent Assessment Committee” substitute “the tribunal”; and
  - (ii) in the Notes, at 1, for “rent assessment committee”, substitute “tribunal”;
- (b) in Form 2—
  - (i) in paragraphs 1 and 2(a) for “Rent Assessment Committee” substitute “tribunal”; and
  - (ii) in the Notes, at 1(b), for “rent assessment committee” substitute “the tribunal”;
  - (iii) in the Notes, at 8, for “a Rent Assessment Committee” substitute “the tribunal”;
- (c) in Form 5, in paragraph 16, for “rent assessment committee” substitute “tribunal”;
- (d) in Form 6 in paragraph 13, for “rent assessment committee” substitute “tribunal”;
- (e) in Form 7 in paragraph 15, for “rent assessment committee” substitute “tribunal”;
- (f) in Form 9A in the Notes, in 3, for “rent assessment committee” substitute “tribunal”;
- (g) in Forms 12 and 12A, in paragraph 5 of each of those forms, for “rent assessment committee” substitute “tribunal”;
- (h) in Form 13 in paragraph 6, for “Rent Assessment Committee” substitute “tribunal”;
- (i) in Form 15—
  - (i) in the headings, for “rent tribunal”, at each place, substitute “tribunal”;
  - (ii) in the first paragraph, for “Rent Tribunal” substitute “Tribunal”;
  - (iii) before the paragraph beginning “The dwelling” insert—
    - “(As the dwelling is in Wales, I/We make this application to the rent assessment committee) (As the dwelling is in England, I/We make this application to the First-tier Tribunal).”;
- (j) in Schedule 4 (particulars with regard to the contract to be entered in the register), in paragraph 1, omit “rent”.

### **The Rent Book (Forms of Notice) Regulations 1982**

- 5. In the Rent Book (Forms of Notice) Regulations 1982(**106**), in “Part Part 1” of the Schedule—
  - (a) in the italic instructions preceding paragraph 5 omit “Rent”;
  - (b) in paragraph 10—
    - (i) for “Rent Tribunal” in the first place, substitute “First-tier Tribunal (if the premises are in England) or to the Rent Tribunal (if the premises are in Wales)”;
    - (ii) for “Rent Tribunal” in the second place, substitute “same tribunal”.

### **The Assured Tenancies and Agricultural Occupancies (Rent Information) Order 1988**

- 6. The Assured Tenancies and Agricultural Occupancies (Rent Information) Order 1988(**107**) is amended as follows.
  - 7. For article 3, substitute—
    - “3. In cases to which this Order applies, the information which must be made available for public inspection by—

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(**106**)S.I. 1982/1474. The Schedule to the Regulations has been amended by S.I. 1988/2198, 1990/1067, 1993/656 and 1997/2971.  
(**107**)S.I. 1988/2199, as amended by S.I. 1990/1474 and 1993/657.



- (a) the president of the rent assessment panel under section 42 of the Housing Act 1988, and
- (b) the Chamber President of the Property Chamber of the First-tier Tribunal under section 42A of the Housing Act 1988,

is the information specified in the Schedule to this Order.”

8. In article 4, for “each” substitute “the”.

9. In the Schedule (specified information), in paragraph 11, for “committee” at both places substitute “tribunal”.

### **The Leasehold Reform (Collective Enfranchisement and Lease Renewal) Regulations 1993**

10. The Leasehold Reform (Collective Enfranchisement and Lease Renewal) Regulations 1993(108) is amended as follows.

11. In Schedule 1 (Collective Enfranchisement)—

- (a) in paragraphs 3(2), 6(1) and 7(2), for “a leasehold valuation tribunal” at each place substitute “the appropriate tribunal (as defined in section 38)”.

12. In Schedule 2 (lease renewal), in paragraph 7(1) for “a leasehold valuation tribunal” substitute “the appropriate tribunal (as defined in section 38)”.

### **The Assured Tenancies and Agricultural Occupancies (Forms) Regulations 1997**

13. The Assured Tenancies and Agricultural Occupancies (Forms) Regulations 1997(109) are amended as follows.

14. In regulation 3 (prescribed forms), in paragraphs (e) and (f), for “rent assessment committee” substitute “tribunal”.

15. In the Schedule (forms prescribed for the purposes of Part 1 of the Housing Act 1988), in Form No. 5—

- (a) in the heading, for “Rent Assessment Committee” substitute “Tribunal”;
- (b) after “local rent assessment panel” insert “if the premises are in Wales, or to the First-tier Tribunal if the premises are in England”.

16. In Form No. 6—

- (a) in the heading, for “Rent Assessment Committee” substitute “Tribunal”;
- (b) for “the local rent assessment committee” substitute “the tribunal”;
- (c) for “the rent assessment committee” substitute “the tribunal”;
- (d) after “please send it to your local rent assessment panel” insert “if the premises are in Wales or to the First-tier Tribunal if the premises are in England”;
- (e) at paragraphs 12(a) and (b), for “rent assessment committee” substitute “tribunal”;
- (f) in the text beginning “cases where this form should not be used”, for “rent assessment committee”, in both places, substitute “tribunal”.

17. In Form No. 9, in paragraph 3, for the paragraph beginning “As an assured shorthold tenant” substitute—

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(108) S.I. 1993/2407. The Regulations have been amended but none of the amendments are relevant.

(109) S.I. 1997/194, as amended by S.I. 2002/337, 2003/260 and 2003/307.

“As an assured shorthold tenant, you have the right to apply to a tribunal for the determination of a reasonable rent for the tenancy. An application to the tribunal must be made on the form headed *Application to a Tribunal for the determination of a rent under an Assured Shorthold Tenancy* within six months of the beginning of the tenancy. You can obtain the form from the rent assessment panel (if the premises are in Wales), the website of the Ministry of Justice: [www.justice.gov.uk](http://www.justice.gov.uk) or a law stationer.”

### **The Leasehold Reform (Notices) Regulations 1997**

**18.** In the Schedule to the Leasehold Reform (Notices) Regulations 1997(**110**), in Form 3 (form of landlord’s notice under Part 1 of the Leasehold Reform Act 1967), in Note 3, omit “leasehold valuation”.

### **The Rent Assessment Committee (England and Wales) (Leasehold Valuation Tribunal) (Amendment) Regulations 1997**

**19.** In the Rent Assessment Committee (England and Wales) (Leasehold Valuation Tribunal) (Amendment) Regulations 1997(**111**), after regulation 1 (citation and commencement) insert—

#### **“Application**

**1A.** These Regulations apply in relation to Wales.”

### **The Long Residential Tenancies (Principal Forms) Regulations 1997**

**20.** The Long Residential Tenancies (Principal Forms) Regulations 1997(**112**) are amended as follows.

**21.** In regulation 3 (forms), in paragraph (e), for “rent assessment committee” substitute “tribunal”.

**22.** In the notes to Form 1—

- (a) in Note 13, for “rent assessment committee” in both places, substitute “tribunal”;
- (b) insert after Note 15—

“Note 16: If your property is in England, the reference in Note 13 to “a tribunal” means the First-tier Tribunal. If your property is in Wales, “tribunal” means a rent assessment committee.”

**23.** In the notes to Form 3—

- (a) in Note 2, for “rent assessment committee” substitute “tribunal (see Note 2A)”;
- (b) after Note 2 insert—

“Note 2A: If your property is in England, “tribunal” means the First-tier Tribunal or the Upper Tribunal. If your property is in Wales, “tribunal” means a rent assessment committee.”;

(c) in Notes 4 and 5—

- (i) for “your local rent assessment committee” substitute “the appropriate tribunal referred to in Note 2A”;
- (ii) for “the committee”, at each place, substitute “the tribunal”.

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(110) S.I. 1997/640. Form 3 was substituted in relation to England by S.I. 2002/3209 and in relation to Wales by S.I. 2003/991.

(111) S.I. 1997/1854

(112) S.I. 1997/3008, as amended by S.I. 2002/233, 2002/2227 and 2010/671.

**24.** In the notes to Form 4—

- (a) in Note 3, for “local rent assessment committee” substitute “tribunal”;
- (b) for “The committee”, substitute “The tribunal”;
- (c) in Notes 4, 5 and 6, for “the committee”, in each place, substitute “the tribunal”;
- (d) after 4 insert—

“Note 4A: If your property is in England, “tribunal” means the First-tier Tribunal or the Upper Tribunal. If your property is in Wales, “tribunal” means a rent assessment committee.”;

- (e) in Note 6, for “a rent assessment committee” substitute “a tribunal (see Note 4A)”.

**25.** In Form 5—

- (a) in the heading, for “Rent Assessment Committee” substitute “Tribunal”;
- (b) in the instructions preceding paragraph 1—
  - (i) for “rent assessment committee” in both places, substitute “tribunal”;
  - (ii) for “the committee hearing”, substitute “the tribunal hearing”;
- (c) in the paragraph preceding paragraph 7—
  - (i) for “rent assessment committee” substitute “tribunal”;
  - (ii) for “committee” at each place, substitute “tribunal”;
- (d) in paragraph 7, for “rent assessment committee”, substitute “appropriate tribunal”;
- (e) in the Notes, for “the committee”, at each place, substitute “the tribunal”;
- (f) after Note 1 insert—

“Note 1A: If your property is in England, “tribunal” means the First-tier Tribunal or where determined by or under Tribunal Procedure Rules, the Upper Tribunal. If your property is in Wales, “a tribunal” means a rent assessment committee.”;

- (g) in Note 4, for “rent assessment committee” substitute “tribunal”.

**The Leasehold Valuation Tribunals (Fees) (England) Regulations 2003**

- 26.** The Leasehold Valuation Tribunals (Fees) (England) Regulations 2003(**113**) are revoked.

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

- 27.** The Leasehold Valuation Tribunals (Procedure) (England) Regulations 2003(**114**) are revoked.

**The Leasehold Valuation Tribunals (Procedure) (Amendment) (England) Regulations 2004**

- 28.** The Leasehold Valuation Tribunals (Procedure) (Amendment) (England) Regulations 2004(**115**) are revoked.

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(113) S.I. 2003/2098 as amended by S.I. 2008/1879.

(114) S.I. 2003/2099 as amended by S.I. 2004/3098 and 2008/2683.

(115) S.I. 2004/3098

### **The Landlord and Tenant (Notice of Rent) (England) Regulations 2004**

29. In the Landlord and Tenant (Notice of Rent) (England) Regulations 2004(116), in the Schedule (form of rent demand notice), in the notes for leaseholders, omit “leasehold valuation”.

### **The Housing (Empty Dwelling Management Orders) (Prescribed Exceptions and Requirements) (England) Order 2006**

30. In the Housing (Empty Dwelling Management Orders) (Prescribed Exceptions and Requirements) (England) Order 2006(117), in article 4 (prescribed requirements), in paragraph (1) (b), for “residential property” substitute “appropriate”.

### **The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006**

31. The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006(118) are amended as follows.

32. In regulations 11(1)(g), 12(1)(g) and 13(1)(f), for “a residential property tribunal” substitute “the First-tier Tribunal”.

33. In regulation 13(3)(f) for “a residential property tribunal or to the Lands Tribunal” substitute “the First-tier Tribunal or to the Upper Tribunal”.

### **The Rent Repayment Orders (Supplementary Provisions) (England) Regulations 2007**

34. The Rent Repayment Orders (Supplementary Provisions) (England) Regulations 2007(119) are amended as follows.

35. In regulation 2 (overpayments of housing benefit), in paragraph (2), for “residential property tribunal” substitute “First-tier Tribunal”.

36. In regulation 3(3) (costs of proceedings), omit “residential property”.

### **The Administration Charges (Summary of Rights and Obligations) (England) Regulations 2007**

37. The Administration Charges (Summary of Rights and Obligations) (England) Regulations 2007(120) are amended as follows.

38. In regulation 2 (form and content of summary of rights and obligations)—

(a) in paragraphs (4) and (5), for “a leasehold valuation tribunal” substitute “the First-tier Tribunal”;

(b) for paragraphs (6) and (7), substitute—

“(6) Where you seek a determination or order from the First-tier Tribunal, you will have to pay an application fee and, where the matter proceeds to an oral hearing, a hearing fee, unless you qualify for fee remission or exemption. Making such an application may incur additional costs, such as professional fees, which you may have to pay.

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(116) S.I. 2004/3096

(117) S.I. 2006/367 as amended by S.I. 2012/2625.

(118) S.I. 2006/373. Relevant amendments were made by S.I. 2007/1903 and 2009/1307.

(119) S.I. 2007/572

(120) S.I. 2007/1258 as amended by S.I. 2009/1307.

(7) The First-tier Tribunal and the Upper Tribunal (in determining an appeal against a decision of the First-tier Tribunal) have the power to award costs in accordance with section 29 of the Tribunals, Courts and Enforcement Act 2007.”

### **The Service Charges (Summary of Rights and Obligations, and Transitional Provision) (England) Regulations 2007**

**39.** The Service Charges (Summary of Rights and Obligations, and Transitional Provision) (England) Regulations 2007(**121**) is amended as follows.

**40.** In regulation 3 (form and content of summary of rights and obligations of interest)—

- (a) in paragraphs (3), (7) and (8), for “a leasehold valuation tribunal” substitute “the First-tier Tribunal”;
- (b) for paragraphs (5) and (6) substitute—

“(5) Where you seek a determination from the First-tier Tribunal, you will have to pay an application fee and, where the matter proceeds to an oral hearing, a hearing fee, unless you qualify for fee remission or exemption. Making such an application may incur additional costs, such as professional fees, which you may have to pay.

(6) The First-tier Tribunal and the Upper Tribunal (in determining an appeal against a decision of the First-tier Tribunal) have the power to award costs in accordance with section 29 of the Tribunals, Courts and Enforcement Act 2007.”

### **The Right to Manage (Prescribed Particulars and Forms) (England) Regulations 2010**

**41.** The Right to Manage (Prescribed Particulars and Forms) (England) Regulations 2010(**122**) are amended as follows.

**42.** In regulation 5(a) and (b)(i) (additional content of counter-notice), omit “leasehold valuation”.

**43.** In Schedule 2 (form of claim notice) in Note 1, omit “leasehold valuation”.

**44.** In Schedule 3 (form of counter-notice) at paragraphs 2 and 3 and at Note 2, omit “leasehold valuation”.

### **The Mobile Homes Act 1983 (Jurisdiction of Residential Property Tribunals) (England) Order 2011**

**45.** The Mobile Homes Act 1983 (Jurisdiction of Residential Property Tribunals) (England) Order 2011(**123**) is amended as follows.

**46.** In article 2 (jurisdiction of residential property tribunals in relation to mobile homes)—

- (a) in the heading, omit “residential property”;
- (b) for “A residential property tribunal has conferred on it” substitute “The First-tier Tribunal and the Upper Tribunal have conferred on them”;
- (c) omit “and to the Housing Act 2004”.

**47.** Omit article 4 (amendments to the Housing Act 2004).

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(121)S.I. 2007/1257  
(122)S.I. 2010/825  
(123)S.I. 2011/1005

### **The Mobile Homes (Written Statement) (England) Regulations 2011**

**48.** In the Mobile Homes (Written Statement) (England) Regulations 2011(**124**), in the Schedule (written statement under the Mobile Homes Act 1983 required to be given to a proposed occupier of a pitch)—

- (a) in paragraph 6, for “a residential property tribunal” substitute “the First-tier Tribunal”;
- (b) in paragraphs 7 and 8 omit “residential property”;
- (c) in paragraph 11—
  - (i) for “a Residential Property Tribunal” substitute “the First-tier Tribunal”;
  - (ii) for “www.rpts.gov.uk or from your local Residential Property Tribunal Office” substitute “the website of the Ministry of Justice: www.justice.gov.uk ”;
- (d) in paragraph 14 for “a Residential Property Tribunal” substitute “a tribunal”.

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

**49.** The Residential Property Tribunal Procedures and Fees (England) Regulations 2011(**125**) are revoked.

## PART 2

### Provisions consequential upon transfer of functions from agricultural land tribunals for areas in England

### **The Reserve and Auxiliary Forces (Agricultural Tenants) Regulations 1959**

**50.** The Reserve and Auxiliary Forces (Agricultural Tenants) Regulations 1959(**126**) are amended as follows.

**51.** In regulation 3—

- (a) insert after the definition of the “1951 Act”—
  - ““appropriate tribunal” means—
  - (a) the First-tier Tribunal, where the holding which is the subject of a notice to quit or of proceedings to which these Regulations apply is wholly or in the greater part situated in England ;
  - (b) the chairman, where the holding which is the subject of a notice to quit or of proceedings to which these Regulations apply is wholly or in the greater part situated in Wales.”;
- (b) for the interpretation of “chairman” substitute—
  - ““chairman” means the chairman of the Agricultural Land Tribunal established in Wales under section 73 of the Agriculture Act 1947 or a person nominated under paragraph 16(1)(a) or appointed under paragraph 16A of Schedule 9 to that Act to act as chairman, and “secretary means the secretary of that tribunal”.

**52.** In regulation 5, for “chairman” in both places, substitute “appropriate tribunal”.

**53.** In regulation 6, for “chairman” in both places, substitute “appropriate tribunal”.

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(124)S.I. 2011/1006  
(125)S.I. 2011/1007  
(126)S.I. 1959/84

54. After regulation 7, insert—

“8. Where the appropriate tribunal is the First-tier Tribunal, the application for a direction under these Regulations must be made in writing and the tribunal may require the applicant to furnish such testimonial in support of the application as it may think fit.”

### **The Agricultural Land Tribunals (Areas) Order 1982**

55. The Agricultural Land Tribunals (Areas) Order 1982(127) is revoked.

### **The Farm Woodland Scheme 1988**

56. In the Farm Woodland Scheme 1988(128), in paragraph 6—

(a) in sub-paragraph (1)(b), for “Agricultural Land Tribunal” substitute “appropriate tribunal”;

(b) after sub-paragraph (1) insert—

“(1A) For the purposes of sub-paragraph (1), “appropriate tribunal” means—

(a) where the land (or the greater part of the land) is in England, the First-tier Tribunal; and

(b) where the land (or the greater part of the land) is in Wales, the Agricultural Land Tribunal.”

### **The Set-Aside Regulations 1988**

57. In the Set-Aside Regulations 1988(129), in regulation 12 (change of occupation)—

(a) in paragraph (7)(c), for “Agricultural Land Tribunal” substitute “appropriate tribunal”;

(b) after paragraph (7) insert—

“(7A) For the purposes of paragraph (7), “appropriate tribunal” means—

(a) where the holding (or the greater part of the holding) is in England, the First-tier Tribunal; and

(b) where the holding (or the greater part of the holding) is in Wales, the Agricultural Land Tribunal.”

### **The Farm Woodland Premium Scheme 1992**

58. In the Farm Woodland Premium Scheme 1992(130), in paragraph 6—

(a) in sub-paragraph (1)(b), for “Agricultural Land Tribunal” substitute “appropriate tribunal”;

(b) after sub-paragraph (1) insert—

“(1A) For the purposes of sub-paragraph 6(1), “appropriate tribunal” means—

(a) where the land (or the greater part of the land) is in England, the First-tier Tribunal; and

(b) where the land (or the greater part of the land) is in Wales, the Agricultural Land Tribunal.”

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(127) S.I. 1982/97

(128) S.I. 1988/1291. The Scheme has been amended but none of the amendments are relevant.

(129) S.I. 1988/1352. Relevant amendments were made by S.I. 1990/1716.

(130) S.I. 1992/905

### **The Farm Woodland Premium Scheme 1997**

**59.** In the Farm Woodland Premium Scheme 1997(**131**), in paragraph 6 (restriction on approval of applications: resumed land)—

- (a) in sub-paragraph (1)(b), for “Agricultural Land Tribunal” substitute “appropriate tribunal”.
- (b) after sub-paragraph (1) insert—
  - “(1A) For the purposes of article 6(1), “appropriate tribunal” means—
    - (a) where the land (or the greater part of the land) is in England, the First-tier Tribunal; and
    - (b) where the land (or the greater part of the land) is in Wales, the Agricultural Land Tribunal.”

### **The Agricultural Land Tribunals (Rules) Order 2007**

**60.** The Agricultural Land Tribunals (Rules) Order 2007(**132**) is amended as follows.

**61.** In paragraphs (1) and (2) of article 2, for “Tribunals” substitute “Tribunal”.

**62.** In the Schedule (Agricultural Land Tribunals Rules)—

- (a) in the heading to the Schedule, for “Tribunals” substitute “Tribunal”;
- (b) in rule 1 (interpretation)—
  - (i) in the definition of “the official expert”—
    - (aa) in both places, omit “the Secretary of State or”;
    - (bb) omit “, as the case may be,”;
  - (ii) in the definition of “the Tribunal”, omit from “for the area” to the end;
- (c) in rule 21(2) (hearings to be in public), for “Chairman of any Agricultural Land Tribunal” substitute “deputy chairman of the Agricultural Land Tribunal”;
- (d) in rule 26(5) (inspection of land or premises by official expert), omit “the Secretary of State or”;
- (e) omit rule 37 (reference to the High Court on a question of law);
- (f) in rule 38 (modification of Tribunal’s decision following High Court proceedings)—
  - (i) in paragraph (1) for “High Court” substitute “Upper Tribunal”;
  - (ii) in paragraph (4) for “reference of any question to the High Court under section 6 of the 1954 Act or on the decision on such a reference” substitute “notification of an appeal to the Upper Tribunal under section 6 of the 1954 Act or the decision upon such an appeal”.
- (g) in rule 45(1) (applications under the Land Drainage Act 1991) omit “the Secretary of State or” and “, as the case may be,”.

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(131) S.I. 1997/829  
(132) S.I. 2007/3105



## PART 3

### Provisions consequential upon transfer of functions from and abolition of the Adjudicator to Her Majesty's Land Registry

#### **The Land Registration (Referral to the Adjudicator to HM Land Registry) Rules 2003**

**63.** The Land Registration (Referral to the Adjudicator to HM Land Registry) Rules 2003(**133**) are amended as follows.

**64.** In rule 3 (procedure for referral to the adjudicator)—

- (a) in the heading, for “adjudicator” substitute “First-tier Tribunal”;
- (b) in paragraph (1), in both places, for “adjudicator” substitute “the First-tier Tribunal”;
- (c) in paragraph (2)(g), for “adjudicator” substitute “First-tier Tribunal”.

**65.** In rule 5 (notice of referral to the adjudicator)—

- (a) in the heading, for “adjudicator” substitute “First-tier Tribunal”;
- (b) in paragraph (2)(a), for the words from “adjudicator” to “referred to him” substitute “First-tier Tribunal a written notice, accompanied by the documents set out in paragraph (3), stating that the matter is referred to the First-tier Tribunal”;
- (c) in paragraph (2)(b) and (c), for “adjudicator” in both places, substitute “First-tier Tribunal”;
- (d) in paragraph (3), for “adjudicator” substitute “First-tier Tribunal”.

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

**66.** The Adjudicator to Her Majesty's Land Registry (Practice and Procedure) Rules 2003(**134**) are revoked.

#### **The Land Registration (Acting Adjudicator) Regulations 2003**

**67.** The Land Registration (Acting Adjudicator) Regulations 2003(**135**) are revoked.

#### **The Superannuation (Admission to Schedule 1 to the Superannuation Act 1972) Order 2006**

**68.** In the Superannuation (Admission to Schedule 1 to the Superannuation Act 1972) Order 2006(**136**), in article 2—

- (a) in paragraph (1), omit subparagraph (d);
- (b) in paragraph (2), omit the entry relating to employment by the Adjudicator to Her Majesty's Land Registry.

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

**69.** In the Administrative Justice and Tribunals Council (Listed Tribunals) Order 2007(**137**), in the table in article 2 (list of tribunals) omit the entry relating to the Adjudicator to Her Majesty's Land Registry.

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(133) [S.I. 2003/2114](#)

(134) [S.I. 2003/2171](#) as amended by [S.I. 2008/1731](#).

(135) [S.I. 2003/2342](#)

(136) [S.I. 2006/3374](#)

(137) [S.I. 2007/2951](#)

### **The Network Access Appeal Rules 2008**

70. The Network Access Appeal Rules 2008(138) are revoked.

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

71. The Adjudicator to Her Majesty’s Land Registry (Practice and Procedure) (Amendment) Rules 2008(139) are revoked.

### **The Land Registration (Network Access) Rules 2008**

72. The Land Registration (Network Access) Rules 2008(140) are amended as follows.

73. In rule 8 (termination after notice)—

- (a) in paragraph (6), for “adjudicator”, in both places, substitute “First-tier Tribunal”;
- (b) in paragraph (8)(e), for “adjudicator or the High Court”, substitute “First-tier Tribunal or the Upper Tribunal”.

74. In rule 10 (suspension of termination pending appeal)—

- (a) in paragraph (1), for “adjudicator” substitute “First-tier Tribunal”;
- (b) in paragraph (2)(b), for “adjudicator” substitute “First-tier Tribunal”;
- (c) in paragraph (7)(e), for “adjudicator or the High Court”, substitute “First-tier Tribunal or the Upper Tribunal”.

## SCHEDULE 3

Article 6(3)

### Transitional and saving provisions

1. Any proceedings before an old tribunal which are pending immediately before 1st July 2013 shall continue on and after that date as proceedings before the First-tier Tribunal.

2. Any case in the process of being referred to an old tribunal on 1st July 2013 shall continue on or after that date as a case being referred to the First-tier Tribunal.

3.—(1) The following sub-paragraphs apply where proceedings are continued in the First-tier Tribunal by virtue of paragraph 1.

(2) Where a hearing began before 1st July 2013 but was not completed by that date, the First-tier Tribunal must be comprised for the continuation of that hearing of the person or persons who began it.

(3) The First-tier Tribunal may give any direction to ensure that proceedings are dealt with fairly and, in particular, may—

- (a) apply any provision in procedural rules which applied to the proceedings before 1st July 2013; or
- (b) disapply provisions of Tribunal Procedure Rules.

(4) In sub-paragraph (3) “procedural rules” means provision (whether called rules or not) regulating practice or procedure before an old tribunal.

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(138) S.I. 2008/1730  
(139) S.I. 2008/1731  
(140) S.I. 2008/1748

(5) Any decision (whether or not called a decision) or direction or order given or made in proceedings which is in force immediately before 1st July 2013 remains in force on and after that date as if it were a decision, direction or order of the First-tier Tribunal.

(6) A time period which has started to run before 1st July 2013 and which has not expired shall continue to apply.

(7) An order for costs may only be made if, and to the extent that, an order could have been made before 1st July 2013.

**4.** Where an appeal lies to the High Court from any decision made by an old tribunal before 1st July 2013, that right of appeal has not been exercised, and the time to exercise that right of appeal has not expired before 1st July 2013—

- (a) section 11 of the Tribunals, Courts and Enforcement Act 2007(**141**) (right to appeal to Upper Tribunal),
- (b) section 111 of the Land Registration Act 2002(**142**) as amended by this Order, where the old tribunal is the Adjudicator to Her Majesty's Land Registry,
- (c) section 176B of the Commonhold and Leasehold Reform Act 2002(**143**) as inserted by this Order, where the old tribunal is a rent assessment committee sitting as a leasehold valuation tribunal, and
- (d) section 231A of the Housing Act 2004(**144**) as inserted by this Order, where the old tribunal is a rent assessment committee sitting as a residential property tribunal,

shall apply as if the decision were a decision made on or after 1st July 2013 by the First-tier Tribunal, and any reference to an old tribunal in an enactment relating to such an appeal, express or otherwise, is to be taken as a reference to the First-tier Tribunal.

**5.** Where an appeal lies to the High Court from any decision of a rent assessment committee for an area in Wales made before 1st July 2013, that right of appeal has not been exercised, and the time to exercise that right of appeal has not expired before 1st July 2013, section 65A(1) of the Rent Act 1977(**145**) as inserted by this Order shall apply.

**6.** Where an appeal lies to the High Court from any decision of the Agricultural Land Tribunal in Wales made before 1st July 2013, that right of appeal has not been exercised, and the time to exercise that right of appeal has not expired before 1st July 2013, section 6 of the Agriculture (Miscellaneous Provisions) Act 1954(**146**) as amended by this Order shall apply

**7.** Staff appointed to an old tribunal before 1st July 2013, apart from those transferring in as members of the First-tier Tribunal, are to be treated on and after that date, for the purpose of any enactment, as if they had been appointed by the Lord Chancellor under section 40(1) of the Tribunals, Courts and Enforcement Act 2007 (tribunal staff and services).

**8.** For the purposes of this Schedule, “an old tribunal” means—

- (a) a rent assessment committee functioning as a rent tribunal in England;
- (b) a rent assessment committee functioning in that capacity in England;
- (c) a rent assessment committee functioning as a residential property tribunal in England;
- (d) a rent assessment committee functioning as a leasehold valuation tribunal in England;
- (e) an Agricultural Land Tribunal for an area in England;

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(141) 2007 c. 15

(142) 2002 c. 9

(143) 2002 c. 15

(144) 2004 c. 34

(145) 1977 c. 42

(146) 1954 c. 39

(f) the Adjudicator to Her Majesty's Land Registry.

### **Saving provision**

9. Section 11(1) of the Tribunals and Inquiries Act 1992(147) shall continue to apply to any decision given by a rent assessment committee for an area in Wales or an agricultural land tribunal in Wales before 1st July 2013 where the right of appeal has been exercised before 1st July 2013 as if the amendment to it in Schedule 1 had not been made.

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## **EXPLANATORY NOTE**

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

This Order is made under the Tribunals, Courts and Enforcement Act 2007 ("the 2007 Act"). Part 1 of the 2007 Act created a two-tier tribunal structure; the First-tier Tribunal and the Upper Tribunal (the "new tribunals") are established under section 3 of the 2007 Act. Order making powers are provided under Part 1 of the 2007 Act to enable existing tribunals to be transferred into the new structure. This Order gives effect to the transfers as described below and comes into force on 1st July 2013.

### **Transfer of functions of tribunals**

Article 2 transfers the functions of rent assessment committees in England (but not Wales) to the First-tier Tribunal and the Upper Tribunal. The Order provides that the decision as to which of the tribunals should exercise the functions will be determined by Tribunal Procedure Rules.

Article 3 transfers the functions of Agricultural Land Tribunals in England (but not Wales) to the First-tier Tribunal.

Article 4 transfers the functions of the Adjudicator to Her Majesty's Land Registry to the First-tier Tribunal and abolishes that tribunal.

As the transfer in from rent assessment committees and agricultural land tribunals relates only to England, rent assessment committees and the Agricultural Land Tribunal will continue in Wales.

### **Transfer of members of tribunals**

Article 5 provides for members of the old tribunals from which functions are being transferred by articles 3 to 5 to hold the offices of transferred-in judge or transferred-in other member of the First-tier Tribunal. One of the transferring-in judges is also to hold the office of deputy judge of the Upper Tribunal.

### **Appeals to the Upper Tribunal from old tribunals in Wales**

Paragraph 13 of Schedule 1 inserts a new section 65A of the Rent Act 1977. This creates an onward appeal right on a point of law to the Upper Tribunal from decisions of rent assessment committees in Wales. The onward appeal right to the High Court from those committees is repealed.

Paragraph 196 of Schedule 1 amends section 6 of the Agriculture (Miscellaneous Provisions) Act 1954. This creates an onward appeal right on a point of law to the Upper Tribunal from decisions of the Agricultural Land Tribunal in Wales. The onward appeal right to the High Court from that Tribunal is repealed.

### **Consequential amendments etc**

Article 6(1) and (2) bring Schedules 1 and 2 into effect.

Schedule 1 makes amendments to primary legislation resulting from the transfer of tribunal functions and members provided for in the Order. To a great extent the amendments redirect the existing appeal rights by the replacement of references to the old tribunals with references to the tribunals to which the functions are being transferred. The Order also deletes provisions applicable to the abolished tribunals where provision is made on such matters in the Tribunals, Courts and Enforcement Act 2007 or in Tribunal Procedure Rules made under that Act.

As regards rent assessment committees and agricultural land tribunals, amendments are made to the primary legislation that confers jurisdiction on them to ensure that the legislation refers to the new tribunals so far as proceedings relating to England are concerned, but to the old tribunals so far as proceedings relating to Wales are concerned. The Order establishes a process by which a member of the First-tier Tribunal may, if requested, sit as a judge or other member of the Agricultural Land Tribunal or a rent assessment committee in Wales.

Where the right of further appeal from a transferring-in tribunal is currently not limited to appeals on a point of law, the Order amends the legislation to retain the wider element of right of appeal which is not provided for by the 2007 Act. These amendments relate to rent assessment committees when sitting as residential property tribunals, leasehold valuation tribunals and to the Adjudicator to Her Majesty's Land Registry.

Schedule 2 contains amendment to delegated legislation. To a great extent they are either revoking in relation to England rules and regulations on procedures and fees which are provided for under the 2007 Act. They also amend various sets of prescribed forms which will continue to be used in certain proceedings.

### **Transitional and saving provisions**

Article 6(3) brings Schedule 3 into effect. Schedule 3 makes transitional and saving provisions for the treatment of cases which would previously have been dealt with by the tribunals from which the functions are transferred by articles 3 to 5, or onward appeals from those tribunals, following the coming into force of this Order.

The Schedule provides for proceedings which have been started in tribunals from which the functions are transferred to be transferred to the new tribunals; new proceedings will be started in the new tribunals. In transferred cases the following provisions apply:

- a hearing which has already been commenced but not completed will need to be completed in the new tribunal but comprised of the same members;
- decisions, directions, orders etc made prior to this Order coming into force will continue in force as if they were decisions, directions or orders etc of the new tribunals;
- Tribunal Procedure Rules under the 2007 Act will apply to all cases, but the new tribunals will be able to disapply Tribunal Procedure Rules and apply the procedure rules which applied to the transferred in tribunals or make other directions to ensure that proceedings are dealt with fairly;
- time limits which begin to run before this Order comes into force continue to apply after the Order comes into force.

Onward appeals against the decisions of tribunals from which the functions are transferred by articles 3 to 5 are dealt with as follows:

- as regards decisions of old tribunals given before 1st July 2013, where the appeal right to the High Court has not been exercised before that date, the appeal will be to the Upper Tribunal as if the decision had been made by the First-tier Tribunal. The Order does not transitionally affect cases where the appeal right has been exercised, i.e. where the appeal is pending in the High Court on the date the Order comes into force;
- as regards decisions of rent assessment committees for an area in Wales and decisions of the Agricultural Land Tribunal in Wales given before 1st July 2013 (which currently attract a right of appeal to the High Court), where the time for appealing has not expired and the right of appeal has not yet been exercised, the appeal will be to the Upper Tribunal.