Draft Order laid before Parliament under section 11 of the Public Bodies Act 2011, for approval by resolution of each House of Parliament after the expiry of the 40-day period referred to in section 11(4) of that Act.

DRAFT STATUTORY INSTRUMENTS

2013 No.

PUBLIC BODIES

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

Made - - - -	***
	in accordance with
Coming into force - -	*article 1*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 1(1), 6(1) and (5) and 35(2) of the Public Bodies Act 2011(**1**) ("the Act").

In accordance with section 8 of the Act, the Secretary of State considers that this Order—

(a) serves the purpose of improving the exercise of public functions, having had regard to the factors set out in section 8(1); and

(b) does not remove any necessary protection or prevent any person from continuing to exercise any right or freedom which that person might reasonably expect to continue to exercise.

The consent of the Scottish Parliament, the consent of the National Assembly for Wales and the consent of the Welsh Ministers have been obtained in accordance with sections 9(1), (6) and (7) of the Act.

The Secretary of State has consulted in accordance with section 10 of the Act.

The Secretary of State has consulted the Scottish Ministers in accordance with section 88(2) of the Scotland Act 1998(**2**) and the Welsh Ministers in accordance with section 63(1) of the Government of Wales Act 2006(**3**).

A draft of this Order, and an explanatory document containing the information required by section 11(2) of the Act, have been laid before Parliament in accordance with section 11(1) after the end of the period of twelve weeks mentioned in section 11(3). In accordance with section 11(4) of the Act, the draft of this Order has been approved by a resolution of each House of Parliament after the expiry of the 40-day period referred to in that provision.

(**1**) 2011 c.24.
(**2**) 1998 c.46.
(**3**) 2006 c.32.

Citation, commencement and extent

1.—(1) This Order may be cited as the Public Bodies (Abolition of Administrative Justice and Tribunals Council) Order 2013.

(2) Subject to paragraph (3), this Order comes into force on the day after the date on which it is made.

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

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

Abolition of the Administrative Justice and Tribunals Council

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

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

Name
Parliamentary Under Secretary of State
Date Ministry of Justice

SCHEDULE

Article 2(2)

Consequential provision etc

Chronically Sick and Disabled Persons Act 1970

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

Health and Safety at Work etc Act 1974

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

House of Commons Disqualification Act 1975

3. The House of Commons Disqualification Act 1975(**6**) is amended as follows.

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

(a) the Administrative Justice and Tribunals Council;

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

(c) the Welsh Committee of the Administrative Justice and Tribunals Council.

Town and Country Planning Act 1990

5. In the Town and Country Planning Act 1990(**7**), omit—

(a) paragraph 8(1A) of Schedule 6 (determination of certain appeals by person appointed by Secretary of State);

(b) paragraph 8(7) of Schedule 7 (simplified planning zones); and

(c) paragraph 5(3A) of Part 1 of Schedule 8 (constitution and procedure on references).

Social Security Administration Act 1992

6. The Social Security Administration Act 1992(**8**) is amended as follows.

7. In Part 2 of Schedule 4 (construction of references to government departments etc), in paragraph 3 omit—

(a) paragraph (b) and the preceding "or";

(b) the words after paragraph (b).

8. In Schedule 7 (regulations not requiring prior submission), omit paragraphs 9 and 14.

(**4**) 1970 c.44. Section 21(7E) was inserted by the Transport Act 1982 (c.49), section 68, and was amended by the Tribunals, Courts and Enforcement Act 2007 (c.15), Schedule 8, paragraph 2.
(**5**) 1974 c.37. Section 44(4A) was inserted by the Tribunals, Courts and Enforcement Act 2007, Schedule 8, paragraph 3.
(**6**) 1975 c.24. These three entries were inserted by the Tribunals, Courts and Enforcement Act 2007, Schedule 8, paragraph 4.
(**7**) 1990 c.8. Paragraph 8(1A) of Schedule 6, paragraph 8(7) of Schedule 7 and paragraph 5(3A) of Schedule 8 were inserted by the Tribunals, Courts and Enforcement Act 2007, Schedule 8, paragraphs 9 to 12.
(**8**) 1992 c.5. Paragraph 3(b) of Schedule 4 has been amended by the Tribunals, Courts and Enforcement Act 2007, Schedule 8, paragraphs 17 and 18; the words after paragraph (b) were inserted by the Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), Schedule 3, paragraphs 101 and 104(5)(d). Paragraphs 9 and 14 of Schedule 7 have been amended by the Tribunals, Courts and Enforcement Act 2007, Schedule 8, paragraphs 17 and 19.

Transport and Works Act 1992

9. In the Transport and Works Act 1992(**9**), omit section 23(9A) (exercise of Secretary of State's functions by appointed person).

Tribunals and Inquiries Act 1992

10. The Tribunals and Inquiries Act 1992(**10**) is amended as follows.

11. In section 9 (procedure in connection with statutory inquiries)—

(a) in subsection (1), omit ", after consultation with the Council,";

(b) omit subsection (3A); and

(c) omit subsection (4)(b) and the preceding "and".

12. In section 10 (reasons to be given for decisions of tribunals and Ministers)—

(a) in subsection (7), omit ", after consultation with the Council,";

(b) in subsection (8), omit "made after consultation with the Council".

13. In section 16 (interpretation), omit the entries for—

(a) "Council";

(b) "Scottish Committee"; and

(c) "Welsh Committee".

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

(a) in the heading to Schedule 1, for "Tribunals Under General Supervision of Council" substitute "Tribunals to which this Act Applies";

(b) in the heading to Part 1, for "Tribunals Under Direct Supervision of the Council" substitute "Tribunals – General"; and

(c) in the heading to Part 2, for "Tribunals Under Supervision of Scottish Committee" substitute "Scottish Tribunals".

Pension Schemes Act 1993

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

Law of Property (Miscellaneous Provisions) Act 1994

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

(a) in paragraph (b)—

(i) for "is" substitute "was"; and

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

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

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

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

(ii) after "(functions etc of Administrative Justice and Tribunals Council)" insert "immediately before the coming into force of the repeal of that Schedule";

(b) for the words "within" to "2007" substitute "of any tribunal referred to in sub-paragraph (b)".

Town and Country Planning (Scotland) Act 1997

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

(a) paragraph 5(4A) of Schedule 6 (planning inquiry commissions); and

(b) paragraph 8(4A) of Schedule 7 (joint planning inquiry commissions).

School Standards and Framework Act 1998

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

Greater London Authority Act 1999

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

Welfare Reform and Pensions Act 1999

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

Freedom of Information Act 2000

21. The Freedom of Information Act 2000(**17**) is amended as follows.

22. In Part 6 of Schedule 1 (other public bodies and offices: general), omit the entries for—

(a) the Administrative Justice and Tribunals Council;

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

(c) the Welsh Committee of the Administrative Justice and Tribunals Council.

Education Act 2002

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

Title Conditions (Scotland) Act 2003

24. The Title Conditions (Scotland) Act 2003(**19**) is amended as follows.

(**13**) 1997 c.8. Paragraph 5(4A) of Schedule 6 and paragraph 8(4A) of Schedule 7 were inserted by the Tribunals, Courts and Enforcement Act 2007, Schedule 8, paragraphs 49 to 51.
(**14**) 1998 c.31. There has been an amendment to paragraph 47 which is not relevant to this Order.
(**15**) 1999 c.29. Section 338(10) was substituted by the Tribunals, Courts and Enforcement Act 2007, Schedule 8, paragraph 52.
(**16**) 1999 c.30.
(**17**) 2000 c.36. These three entries were inserted by the Tribunals, Courts and Enforcement Act 2007, Schedule 8, paragraph 53.
(**18**) 2002 c.32.
(**19**) 2003 asp 9. Sections 104(1) and 126 have been amended by the Tribunals, Courts and Enforcement Act 2007, Schedule 8, paragraphs 56 to 58.