

## Chapter 7

### Tribunals

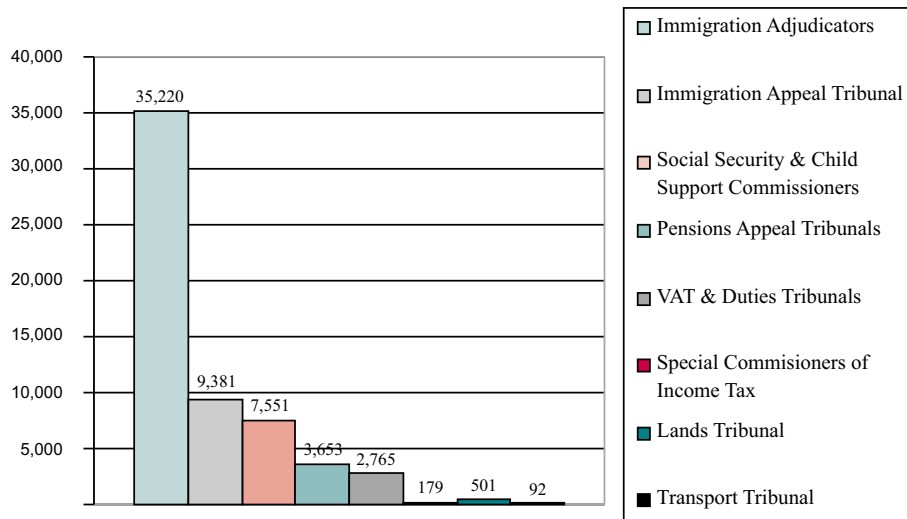
The Lord Chancellor has administrative responsibility for several tribunals-

- the Immigration Appellate Authorities
  - Immigration Appeal Adjudicators
  - Immigration Appeal Tribunal
- the Social Security and Child Support Commissioners
- Pensions Appeal Tribunals
- the Combined Tax Tribunals
  - VAT and Duties Tribunals
  - Special Commissioners of Income Tax
- the Lands Tribunal
- the Transport Tribunal

The Lord Chancellor also has responsibility for the following Tribunals which are set up as necessary to hear appeals:-

- the Banking Appeals Tribunal
- the Building Society Tribunal
- the Independant Schools Tribunal

**Tribunals:**  
Cases received, 2000



Statistical information on the Employment Appeal Tribunal for which the Department of Trade and Industry has administrative responsibility is included at the end of this chapter.

During 2000-

- the number of appeals received by the Immigration Adjudicators increased by over 270% to 28,934 (Table 7.1)
- the number of cases disposed of by the Immigration Appeal Tribunal decreased by 32% to 10,230 (Table 7.2)
- Disposals at the Pensions Appeals Tribunals decreased by 50% to 3,993 (Table 7.4)

## The Immigration Appellate Authorities

### The Immigration Adjudicators

The Immigration Adjudicators are an independent judicial body which is constituted under the Immigration Act 1971. They form the first tier in considering appeals against decisions made by Immigration Officers, Entry Clearance Officers and the Home Secretary.

From April 2001 there will be 333 part time and 79 full time adjudicators together with a Chief Adjudicator - His Honour Judge Henry Hodge OBE. Jurisdiction covers the whole of the United Kingdom with 13 permanent centres including Islington in Central London, Hatton Cross, Birmingham, Leeds, Manchester and Glasgow, giving a total of 77 courtrooms. There are also 18 further Satellite Hearing Centres, which utilise existing Court Service and Lord Chancellor's Department courts on a casual hiring basis providing an extra 27 available courtrooms.

### The Immigration Appeal Tribunal

The Immigration Appeal Tribunal is an independent judicial body, which is constituted under the Immigration Act 1971. It deals with applications for leave to appeal and appeals against decisions made by the Immigration Adjudicator. In certain matters the Tribunal has jurisdiction in the first instance.

The Tribunal currently consists of the President, The Honourable Mr Justice Collins, Deputy President Mr Ockelton, 11 full-time Vice-Presidents, 27 part-time legally qualified Chairpersons and 34 Members. Jurisdiction covers the whole of the United Kingdom with the Tribunal sitting in London, Glasgow, Birmingham and Leeds. A dedicated Tribunal Centre in Central London (Field House) is scheduled to open in September 2001.

**Table 7.1**  
**The Immigration Adjudicators**  
**Appeals received and disposed of, 2000**

	Asylum	Non Asylum	Total
Received	28,934	6,286	35,220
Disposed of	19,396	7,738	27,134

At the end of 1999 there were 8,731 appeals outstanding

**Table 7.2**  
**The Immigration Appeals Tribunal**  
**Cases received and disposed of, 2000**

	Applications	Appeals	Total
Received	7,365	2,016	9,381
Disposed of	6,732	3,498	10,230

## The Social Security and Child Support Commissioners

The National Insurance Commissioners (an independent judicial body) were created by the National Insurance Act 1946 and re-named Social Security Commissioners by the Social Security Act 1980. The additional jurisdiction of child support commissioners was added by the Child Support Act 1993. They consider applications for leave to appeal and hear appeals from decisions of the Appeal Service.

Commissioners are appointed by the Queen. Apart from the Chief Commissioner, there were, in 2000, 17 full-time Commissioners whose jurisdictions covered England, Wales and Scotland. They sit in London, Cardiff and Edinburgh, and at other centres in major cities in the UK.

Travelling and subsistence allowances are reimbursed to parties, but no legal costs are awarded. Appeal against the decision of a Commissioner can be made on a point of law to the Court of Appeal (Court of Session in Scotland) if leave to do so is given by the Commissioner or the Court.

The number of applications for leave to appeal received by the Commissioners in England and Wales dropped by 26% to 4,321 in 2000; the number of appeals received dropped by 14% to 3,230. The number of oral hearings of appeals rose 57% to 366 compared with 233 in 1999. The total number of cases disposed of increased by 19% to 9,744.

**Table 7.3**

### The Social Security Commissioners: Applications and appeals received and disposed of in England and Wales, 2000

	Number of cases received	Cases disposed of			Pending at end of year
		Heard or determined	Otherwise disposed of	Total	
Applications	4,321	4,850	41	4,891	1,078
Appeals	3,230	4,785	68	4,853	1,847
<b>Total</b>	<b>7,551</b>	<b>9,635</b>	<b>109</b>	<b>9,744</b>	<b>2,925</b>

## The Pensions Appeal Tribunals

The Pensions Appeal Tribunals are a judicial body constituted by the Pensions Appeal Tribunals Act of 1943 and 1949 for the purpose of determining appeals against the decisions of the Secretary of State for Social Services in relation to war pensions. There are two types of appeal to the Tribunals-

- (a) Entitlement appeals (to determine whether a person is entitled to an award)
- (b) Assessment appeals (against the assessment of the degree of disablement, period of an interim assessment, or the making of a final settlement)

There is a legally qualified President, and the Tribunal in entitlement cases consists of the President or a legally qualified Chairman, a lay Member (usually an ex-service Member) and a Medical Member. In assessment cases the Tribunal is similarly constituted but with a Medical Chairman instead of one who is legally qualified. The Tribunals hear cases in London and at seven other centres in England and Wales. Their jurisdiction is to deal with the cases of appellants resident in England and Wales, and in the rest of the world except Scotland and Northern Ireland.

Travelling and subsistence expenses are reimbursed to appellants, as are medical expenses authorised by the Tribunal, but no legal costs are awarded. In entitlement cases only an appeal on a point of law may be made by either party, with leave, to a nominated High Court Judge, or alternatively, a joint application may be made by both parties to the President of the Tribunal for him to direct that the decision of the Tribunal be set aside and the matter re-heard, on the grounds of fresh evidence or error of law.

During the year, 3,653 cases were received (2,596 in 1999) of which 52% were assessment appeals.

**Table 7.4**  
**The Pensions Appeal Tribunals: Cases received and disposed of in England and Wales showing class of jurisdiction, 2000**

	Number of cases received	Cases disposed of		Total	Pending at end of year
		Heard or determined	Otherwise disposed of		
Entitlement	1,748	1,548	233	1,781	1,452
Assessment	1,905	1,951	261	2,212	1,571
<b>Total</b>	<b>3,653</b>	<b>3,499</b>	<b>494</b>	<b>3,993</b>	<b>3,023</b>

## The VAT and Duties Tribunals

The VAT and Duties Tribunals determine appeals against certain decisions of the Commissioners of Customs and Excise with respect to value added tax, Customs Duties, Excise Duties, Insurance Premium Tax and Landfill Tax.

The Tribunals are headed by a President and there are four salaried legal Chairmen, and a part-time Vice-President for Scotland. There are also separate panels of fee paid legally qualified Chairmen for England and Wales, Scotland and Northern Ireland and likewise separate panels of non-legal Members.

A Tribunal may consist of the President or a Chairman sitting alone or with one or two Members. A Tribunal has power to award costs. An appeal from a Tribunal lies, on a point of law only, to the High Court (the Court of Session in Scotland or the Court of Appeal in Northern Ireland). Exceptionally, an appeal can be made direct to the Court of Appeal if certain conditions are met.

The Tribunals sit regularly in London, Manchester, Birmingham and Edinburgh, and periodically elsewhere.

The number of new appeals received in 2000 was 2,765, a decrease of 6% over 1999. The total number of disposals, either by way of a hearing or otherwise, increased from 3,207 in 1999 to 8,835 in 2000. Due however to the disposal of some 6,000 cases which were awaiting the outcome of a test case in the higher courts the overall outstanding figure fell dramatically to 3,928.

**Table 7.5**  
**The VAT & Duties Tribunals: Appeals received and disposed of, 2000**

	Number of cases received	Cases disposed of		Total	Pending at end of year
		Heard or determined	Otherwise disposed of		
VAT appeals	2,513	643	8,019	8,662	3,481
Customs & Excise Duties, Insurance Premium Tax, Landfill Tax appeals	252	48	125	173	447
<b>Total</b>	<b>2,765</b>	<b>691</b>	<b>8,144</b>	<b>8,835</b>	<b>3,928</b>

## The Special Commissioners of Income Tax

The Special Commissioners of Income Tax have existed for over a century. They are an independent judicial tribunal presently constituted by the Taxes Management Act 1970 (as amended by subsequent Finance Acts). The Special Commissioners hear appeals by taxpayers against all direct taxes other than Stamp Duty and their jurisdiction extends to the whole of the United Kingdom.

The Tribunal consists of a Presiding Special Commissioner and two full-time Special Commissioners. There are also 12 deputy Special Commissioners. All sit as Chairmen of the VAT and Duties Tribunals also. They sit to hear appeals in four main locations - London, Manchester, Belfast and Edinburgh - but will also conduct hearings at other convenient centres throughout the United Kingdom should a more local venue be deemed necessary.

Appeals from the Special Commissioners will be, on a point of law only, to the High Court (the Court of Session in Scotland or the Court of Appeal in Northern Ireland). Exceptionally, an appeal can be made direct to the Court of Appeal if certain conditions are met.

During 2000, the Special Commissioners received and disposed of 179 and 335 cases respectively (168 and 142 in 1999). Since disposals exceeded receipts in 2000, the pending figure shows a decrease over that for 1999.

**Table 7.6**  
**The Special Commissioners of Income Tax: Cases received and disposed of showing class of jurisdiction, 2000**

	Number of cases received	Cases disposed of		Total	Pending at end of year
		Heard or determined	Otherwise disposed of		
Point of Principle	136	135	138	273	201
Delay	2	-	11	11	12
Applications	41	39	12	51	6
<b>Total</b>	<b>179</b>	<b>174</b>	<b>161</b>	<b>335</b>	<b>219</b>

## The Lands Tribunal

The Lands Tribunal is an independent judicial body constituted by the Lands Tribunal Act 1949. It has jurisdiction to determine questions to the valuation of land and property on compulsory purchase, land compensation (including coal mining subsidence), commercial rating appeals, leasehold valuation and enfranchisement appeals, the discharge or modification of restrictive covenants, matters referred by consent, and matters added by many other statutes.

The Tribunal comprises a President who is legally qualified (George Bartlett QC), and a number of legal or surveyor Members who may be full or part-time. As at December 2000 there were four Members. The Tribunal hears cases in London or at any location in England and Wales convenient to the land in question. It has power to award costs. Appeal lies to the Court of Appeal on a point of law.

Total cases received fell from 529 in 1999 to 501 in 2000, a decrease of 5%. Rating appeals fell by 29%, references fell by 2%, and other cases together increased by 3%. The number of cases disposed of rose from 589 in 1999 to 735 in 2000. Cases heard or determined rose by 37%, and cases disposed of by consent, withdrawal or otherwise rose by 22%. The pending figure fell to 636, a reduction of 27%. The number of pending cases was equivalent to over three years' intake in 1995, but has reduced each year until by the end of 2000 pending cases were equivalent to 15 months intake.

**Table 7.7**  
**The Lands Tribunal: Cases received and disposed of showing class of jurisdiction, 2000**

	Number of cases received	Cases disposed of			Pending at end of year
		Heard or determined	Otherwise disposed of	Total disposals	
References:					
Acquisition of land	107	27	74	101	224
Land compensation	146	12	256	268	94
By consent	2	-	5	5	7
Others	5	-	9	9	6
<b>Total</b>	<b>260</b>	<b>39</b>	<b>344</b>	<b>383</b>	<b>331</b>
Section 84 of Law of Property Act 1925					
Act 1925	40	18	13	31	39
Rights of Light Act 1959	67	2	79	81	16
Absent owners	13	20	6	26	5
Determinations	1	1	-	1	-
Leasehold Reform appeals	56	53	9	62	45
Rating appeals:					
under £5,000	13	4	17	21	74
£5,001 - £50,000	34	13	16	29	57
£50,001 - £250,000	13	2	-	2	11
£250,001 - 500,000	2	-	13	13	14
over £500,000	2	-	86	86	44
<b>Grand Total</b>	<b>501</b>	<b>152</b>	<b>583</b>	<b>735</b>	<b>636</b>

## The Transport Tribunal

The Transport Tribunal is an independent judicial body constituted by the Transport Act 1985. Section 117 and Schedule 4 (16) of the Act provides that the Tribunal shall make an annual report of its proceedings to the Lord Chancellor.

Its origins lie in the regulatory system for railways and canals, but it is now concerned mainly with road transport. It has jurisdiction to determine appeals against decisions of Traffic Commissioners concerning operators' licences for goods vehicles and public services vehicles. An operator may also apply for a decision of a Commissioner to be stayed (i.e. deferred); stay applications are by their nature very urgent, and the Tribunal is obliged by statute to determine them within 14 days maximum.

The Tribunal is a Court of Record, and its jurisdiction covers England, Wales and Scotland. Appeal lies to the Court of Appeal, or in Scotland to the Court of Session. The Tribunal judiciary are all part-time, and comprise (as at December 2000) a President who is legally qualified (Hugh Carlisle QC), two legal Chairmen, and five lay Members with experience in road transport matters. The Tribunal hears cases in London or Edinburgh.

Total matters received rose from 85 in 1999 to 92 in 2000, an increase of 8% comprising 67 appeals and 25 applications for stays. The number of matters disposed of fell from 92 in 1999 to 90 in 2000. The pending figure increased to 21 at the end of the year. During the year the Tribunal sat for 11 days, including two days in Edinburgh.

**Table 7.8**  
**The Transport Tribunal: Appeals and Applications received and disposed of, 2000**

	Number of cases received	Cases disposed of		Total	Pending at end of year
		Heard or determined	Otherwise disposed of		
Applications for stays	25	25	-	25	-
Appeals					
Goods Vehicle	45	28	15	43	12
Public Service Vehicle	22	13	9	22	9
<b>Total</b>	<b>92</b>	<b>66</b>	<b>24</b>	<b>90</b>	<b>21</b>

## The Employment Appeal Tribunal

The Employment Appeal Tribunal was constituted by the Employment Protection Act 1975 and is a superior court of record (that is, it is not subject in any way, save in matters of appeal, to any other court). The Tribunal hears appeals on a question of law arising from any decisions of, or any proceedings before, an industrial tribunal. For example it deals with unfair dismissal and redundancy matters and allegations of discriminatory acts. It may also hear applications for compensation from persons unreasonably excluded from unions. The Tribunal has wide discretion regarding costs. For example the party against who the decision has been made may have to pay all or part of the costs of the other party and either party may be penalised if there has been unreasonable delay or conduct on their part. There is a right to appeal from the Tribunal to the Court of Appeal (Civil Division) in England and Wales and to the Court of Session in Scotland.

The Tribunal consists of a High Court Judge, who presides, and normally two other members who have special knowledge or experience of industrial relations, either as representatives of employers or of workers, and are appointed on the joint recommendation of the Lord Chancellor and the Secretary of State for Employment.

**Table 7.9**  
**The Employment Appeal Tribunal: Cases received and disposed of showing class of jurisdiction, 2000**

	Number of cases received	Cases disposed of				Total
		By hearing				
		Dismissed	Allowed	Remitted	Withdrawn	
Protection of wages	66	28	8	4	-	40
Sunday working/employment protection	2	-	-	-	-	-
Time off work	-	-	-	-	-	-
Maternity rights	-	-	-	-	-	-
Unfair dismissal	518	206	15	61	190	472
Redundancy/Insolvency	21	5	5	2	4	16
ERA others	57	38	2	3	15	58
Employment Trib. Act 1996	12	3	-	1	2	6
Equal Pay Act	6	1	-	1	6	8
Sex Discrimination Act 1976	93	50	6	16	19	91
Race Relations Act 1976	148	100	13	14	29	156
TU/Lab relations(cons) Act 1992	16	6	-	-	6	12
Disability Discrim. Act 1995	88	28	2	5	19	54
Trans. of Undertaking	33	13	-	11	12	36
Jurisdiction	124	47	12	18	140	217
Interlocutories	109	63	11	7	19	100
Working time relations	20	3	1	1	3	8
ET procedures	196	64	9	3	34	110
<b>Total</b>	<b>1,509</b>	<b>655</b>	<b>84</b>	<b>147</b>	<b>498</b>	<b>1,384</b>

## Further Reading

The Annual Report of the Council on Tribunals contains statistics for the tribunals under the general supervision of the Council.