THE ANNUAL REPORT OF THE COUNCIL ON TRIBUNALS

FOR

1974–75

Laid before Parliament by the Lord High Chancellor and the Lord Advocate pursuant to section 4(7) *of the Tribunals and Inquiries Act* 1971

Ordered by The House of Commons *to be printed*
10th November 1976

LONDON
HER MAJESTY'S STATIONERY OFFICE

679

The Annual Report of the Council on Tribunals

for the period 1st August 1974 to 31st July 1975

Laid before Parliament by the Lord High Chancellor and the Lord Advocate pursuant to section 4(7) *of the Tribunals and Inquiries Act* 1971

Ordered by The House of Commons *to be printed*
10th November 1976

LONDON
HER MAJESTY'S STATIONERY OFFICE
75p net
679

THE COUNCIL ON TRIBUNALS

MEMBERS

The Right Honourable the Lord Tweedsmuir, C.B.E., C.D., LL.D. *Chairman*
R. K. Will, Esq., W.S.
Mrs. Edna Bayliss
Professor Kathleen M. Bell
C. R. Dale, Esq.
Mrs. Chloe Davis, O.B.E.
Lady Fulton
Sir Desmond Heap, LL.M., Hon. LL.D.
David Hirst, Esq., Q.C.
John MacDonald, Esq.
The Right Honourable the Lord Mancroft, K.B.E., T.D.
*Sir Alan Marre, K.C.B.
Cyril Moseley, Esq.
Sir William Murrie, G.C.B., K.B.E., LL.D.
J. M. Turner, Esq., O.B.E., C.A.
D. G. T. Williams, Esq., M.A., LL.B.

Secretary: W. S. Carter, Esq., C.M.G., C.V.O.
Council on Tribunals
6, Spring Gardens,
Cockspur Street,
London SW1A 2BG
Tel. No.: 01-930 8691/2

THE SCOTTISH COMMITTEE OF THE COUNCIL

MEMBERS

R. K. Will, Esq., W.S. *Chairman*
Mrs. Barbara Leburn, M.B.E.
*Sir Alan Marre, K.C.B.
John MacDonald, Esq.
J. A. Matheson, Esq., O.B.E.
Robert Moore, Esq., C.B.E., B.L., F.H.A.
Donald M. Ross, Esq., Q.C.
J. M. Turner, Esq., O.B.E., C.A.

Secretary: R. Walker, Esq.
Council on Tribunals
(Scottish Committee)
22, Melville Street,
Edinburgh EH3 7NS
Tel. No.: 031-225 3236

**ex officio* (as Parliamentary Commissioner for Administration)

CONTENTS

170933 B*

A Note on the Constitution and Functions of the Council

1. The Council was set up by the Tribunals and Inquiries Act 1958[1] and now operates under the Tribunals and Inquiries Act 1971[2] which, read with the Transfer of Functions (Secretary of State and Lord Advocate) Order 1972[3] provides (i) that the Council shall consist of not more than 15 nor less than 10 Members appointed by the Lord Chancellor and the Lord Advocate; (ii) that in appointing Members of the Council regard shall be had for the need for representation of the interests of persons in Wales; (iii) that there shall be a Scottish Committee of the Council consisting of either two or three Members of the Council designated by the Lord Advocate and of either three or four other persons appointed by him; and (iv) that, in addition, the Parliamentary Commissioner for Administration shall, by virtue of his office, be a Member both of the Council and of the Scottish Committee.

The Council at present has 16 Members, of whom one has been appointed primarily to represent Welsh interests. The Scottish Committee at present has eight Members, of whom four are Members of the Council and four are not.

2. The principal functions of the Council as laid down in the Tribunals and Inquiries Act 1971 are:—

(*a*) to keep under review the constitution and working of the tribunals specified in Schedule 1 to the Act (being the tribunals constituted under or for the purposes of the statutory provisions specified in that Schedule) and, from time to time, to report on their constitution and working;

(*b*) to consider and report on such particular matters as may be referred to the Council under the Act with respect to tribunals other than the ordinary courts of law, whether or not specified in Schedule 1 to the Act, or any such tribunal;

(*c*) to consider and report on such matters as may be referred as aforesaid, or as the Council may consider to be of special importance with respect to administrative procedures involving, or which may involve, the holding by or on behalf of a Minister or of a statutory inquiry, or any such procedure.

The Lord Chancellor and the Lord Advocate may make orders directing that additional tribunals shall be included in Schedule 1 to the Act. The term " statutory inquiry " means (i) an obligatory inquiry or hearing held or to be held in pursuance of a statutory duty; or (ii) a discretionary inquiry or hearing (or class of inquiry or hearing) designated by an order under section 19(2) of the Act held or to be held in pursuance of a statutory power. At present the Council's jurisdiction under (ii) extends to inquiries or hearings under the statutory provisions specified in the Tribunals and Inquiries (Discretionary Inquiries) Order 1975[4].

3. The Council must be consulted by the appropriate rule-making authority before procedural rules are made for any tribunal specified in Schedule 1 to

[1] 1958 c. 66.
[2] 1971 c. 62.
[3] S.I. 1972/2002 (1972 III, p. 5957).
[4] S.I. 1975/1379 (1975 II, p. 4730).

the Tribunals and Inquiries Act 1971 and on procedural rules to be made by the Lord Chancellor in connection with statutory inquiries in England and Wales and by the Lord Advocate in connection with such inquiries in Scotland. It must also be consulted before any of the scheduled tribunals (or any Minister in respect of a statutory inquiry) may be exempted from the requirement in section 12 of the Act to give reasons for decisions. It may make general recommendations to Ministers about appointment to membership of the scheduled tribunals.

4. The jurisdiction of the Council extends over the whole of Great Britain but it has no authority to deal with any matter with respect to which the Parliament of Northern Ireland had power to make laws.

5. The Council is required to make an Annual Report which must be laid before Parliament and it may, at any time, make a special report on its own initiative under (*a*) or (*c*) of paragraph 2 above. References to the Council or reports by it are normally made by or to the Lord Chancellor and the Lord Advocate, either both or one or other of them according as the matter in question relates to Great Britain as a whole, to England and Wales or to Scotland. Certain tribunals operating in Scotland, which are specified in Part II of Schedule 1 to the Act of 1971, come under the particular supervision of the Scottish Committee and before making any reports in regard to these, or on any matter referred by the Lord Advocate, the Council must consult the Scottish Committee. In addition, the Scottish Committee has the right in certain circumstances to report directly to the Lord Advocate.

THE ANNUAL REPORT OF THE COUNCIL ON TRIBUNALS FOR THE PERIOD 1st AUGUST 1974 TO 31st JULY 1975

To the Right Honourable the Lord Elwyn-Jones,
Lord High Chancellor of Great Britain, and

the Right Honourable Ronald King Murray, Q.C., M.P.,
Her Majesty's Advocate.

I

GENERAL

(i) Membership

1. The Council suffered a sad loss with the death of Mr. Iain Hilleary, C.B.E., a long-serving Member whose advice was highly valued. The resultant vacancy, both on the Council and the Scottish Committee, was filled by the appointment of Mr. John MacDonald. Professor Kathleen Bell, Mr. D. G. T. Williams, LL.B., Mr. C. R. Dale and Mr. J. M. Turner, O.B.E., C.A. were reappointed for a further term of office. Mrs. Chloe Davis was made an Officer of the Order of the British Empire in the New Year's Honours List 1975.

2. Apart from the appointment of Mr. John MacDonald in place of Mr. Iain Hilleary, the composition of the Scottish Committee was substantially unchanged. Mr. J. M. Turner was reappointed for a further term of office. Mr. J. A. Matheson was made an Officer of the Order of the British Empire in the New Year's Honours List 1975.

(ii) Staff and Accommodation

3. There were a number of staff changes during the year. In Edinburgh, the Secretary of the Scottish Committee (Mr. I. K. Kennedy) returned to full-time duties with the Scottish Home and Health Department and was replaced by Mr. Robert Walker. His assistant Miss R. Alexander retired and was replaced by Miss A. Hunter. The staff in London was seriously depleted by the retirement on health grounds of Mr. J. P. A. Gillies and by the transfer on promotion of Mr. T. J. Uppard. We are indebted to Mr. Gillies for many years of valued service.

4. It is expected that the Council will move in 1978 to new accommodation in St. Dunstan's House, Fetter Lane, EC4.

(iii) Meetings

5. Ten Meetings of the Council were held during the period under review. Meetings were attended by Mr. Douglas Frank, Q.C., President of the Lands Tribunal, and Sir Denis Dobson, K.C.B., O.B.E., Q.C.; by representatives of the Confederation of British Industry and of the Trade Union Congress; and by representatives of the Lord Chancellor's Office, the Department of the

Environment and the Department of Health and Social Security. In addition, meetings were held of the Council's various Committees, which were attended in some cases by representatives of Departments.

6. Three meetings were held by the Scottish Committee, one of which was attended by Mr. A. J. Hunt, O.B.E., F.R.I.C.S., F.R.T.P.I., head of the Inquiry Reporters' Unit at the Scottish Office.

(iv) **Visits and Conferences**

7. Members of the Council and the Scottish Committee made a total of 47 visits to the following tribunals: Agricultural Land Tribunals, Children's Hearings, Industrial Tribunals, the Lands Tribunal, Medical Appeal Tribunals, Mental Health Review Tribunals, the Misuse of Drugs Tribunal, N.H.S. Service Committees, National Insurance Local Tribunals, Rent Assessment Committees, Rent Tribunals and Supplementary Benefit Appeal Tribunals.

8. Three visits were made to planning inquiries and eight visits to examinations in public into Structure Plans.

9. Members of the Council attended three regional conferences of chairmen of National Insurance Local Tribunals, three regional conferences of chairmen of Supplementary Benefit Appeal Tribunals and the annual conference of Immigration Adjudicators. The Chairman of the Scottish Committee attended a conference on Supplementary Benefit Appeal Tribunals organised by the University of Edinburgh in December 1974.

(v) **Visitors**

10. The postponed visit of the Lord Chancellor[1] took place on 18th September 1974. The Right Honourable the Lord Elwyn-Jones was accompanied by Sir Denis Dobson, K.C.B., O.B.E., Q.C. Reference is made in later sections of this Report to some of the matters discussed with the Lord Chancellor.

11. Our office was visited by a number of overseas officials and persons interested in the functions and work of the Council.

[1] Para. 10 of our Annual Report for 1973/74 (1974–75, H.C. 289).

II

LEGISLATION AND LEGISLATIVE PROPOSALS

12. The Government's legislative programme for 1974–75 included a number of important Bills, some of considerable length, providing for matters of interest to the Council. We comment on some of these below and, in doing so, include developments up to their enactment (in some cases, in November 1975).

13. Before dealing in detail with the individual measures we think it right to mention our anxieties about a trend, observable in recent legislation, to curtail the rights of affected persons to be heard in connection with orders for the compulsory acquisition of property or for the suspension of rights over property.

14. Our concern was initially aroused by the then Government's statement in Parliament on 31st January 1974[1] foreshadowing legislation to modify planning and compulsory acquisition procedures in their application to essential and urgent projects for the exploitation of offshore oil and gas fields. Parliament was dissolved in February 1974 and we did not see details of the proposed shortened and accelerated procedures the Government had in mind. We were, however, consulted by the new Government in October 1974 on somewhat similar proposals in the Offshore Petroleum Development (Scotland) Bill which, while retaining existing planning controls, was designed to enable the Government to acquire land in Scotland compulsorily for certain purposes by way of an " expedited " acquisition procedure, the Secretary of State being given a discretion to dispense with an inquiry into objections.

15. At about the same time we were asked to consider a proposal (later embodied in the Coal Industry Bill) to replace by a discretionary inquiry the existing obligatory inquiry under the Opencast Coal Act 1958 into objections to an order temporarily suspending certain rights of way over opencast sites.

16. Finally we were faced with certain provisions in the Community Land Bill enabling the Secretary of State for the Environment in certain circumstances to confirm a public authority's compulsory purchase order without holding an inquiry into objections.

17. While we recognised that in each case there was some force in the arguments advanced by the Departments concerned in support of their proposals, we were greatly concerned that the effect might be to deprive persons of their property or rights without affording them any opportunity to be heard. Accordingly, in our consultations we sought to ensure that a hearing would be available to them, if they wanted one, at least at some stage in the proceedings; and we were able to secure some modification of

[1] *Hansard* (House of Commons), 31st January 1974 Cols. 625–638; *Hansard* (House of Lords), 31st January 1974 Cols. 471–481.

the proposals in this direction. As indicated below, however, we still have reservations of varying strength about the relevant provisions in two of the three legislative measures referred to.

Offshore Petroleum Development (Scotland) Act 1975

18. The Scottish Committee and the Council were consulted on this legislation, which (i) empowers the Secretary of State for Scotland to acquire land in Scotland for certain purposes relating to exploration for, or exploitation of, offshore petroleum; (ii) provides, in cases where the acquisition of land for such purposes is a matter of urgency, for an expedited acquisition procedure involving Parliamentary proceedings and under which the Secretary of State for Scotland is obliged to consider written representations but not to cause any inquiry to be held or afford an opportunity to be heard; (iii) provides for the summary extinguishment or overriding of private and public rights over land acquired under the Act, without entertaining representations or holding an inquiry; and (iv) empowers the Secretary of State to designate " sea areas " for the purpose of facilitating or controlling offshore operations under licence, the procedure for making a designation order being similar to that for an expedited acquisition order.

19. While acknowledging the importance to the national economy of the early development of offshore resources (as argued in justification of the legislation), we expressed strongly the view that either at the planning stage or at the acquisition stage, an effective inquiry ought to be held in connection with any proposed development which involved the use of the expedited acquisition procedure. At such an inquiry the persons affected—namely, the owner, lessee or occupier of the land, other persons with rights over the land, the users of public rights over the land and other third parties who could normally claim to be heard at an inquiry—should have an opportunity to appear and be heard on their objections. We suggested that an inquiry at the planning stage would be preferable; and since in certain circumstances planning permission could be granted without an inquiry, we sought an assurance that the Secretary of State's powers under the Town and Country Planning Acts would be so used as to ensure that an inquiry would be held. We also supported a suggestion by the Scottish Committee that in suitable cases a joint inquiry into both planning and acquisition aspects (with consequent saving of time) might be held. We pointed out to the Department that the legislation did not confer any power on the Secretary of State to hold an inquiry, so that an inquiry he might be disposed to hold in connection with an expedited acquisition order or a sea designation order would be non-statutory and could not be brought within our jurisdiction, and we suggested that such a power should be taken.

20. We regret to have to record that, apart from a minor concession on the time-limits for submission of written representations, the legislation was not changed to meet any of our views. It is true that there was included in the Bill during its passage through Parliament a provision applying to expedited acquisition orders, in addition to the affirmative resolution procedure, a modified form of the House of Lords hybridity procedure (which can involve the hearing of petitioners by a Select Committee), but we do not consider that the provision of this degree of Parliamentary control adequately counterbalances the failure to provide a right to a hearing.

21. In letters to the Secretary of State and to the Lord Chancellor, expressing our disappointment, we put on record our anxiety about the long-term implications of so radical an interference with the rights normally accorded to the individual in peace-time. We pointed out that, although applicable only in Scotland, it might later be applied to similar development in other parts of the United Kingdom or in Northern Ireland, and that similar powers of acquisition might be sought in other situations where urgent development was considered by the Government of the day to be in the national interest. We also emphasised that even if there were considerations of policy based on the urgent and exceptional situation facing the country which impelled the Government to seek such powers there was no reason why they should be of unlimited duration. The situation ought not to remain indefinitely one of emergency, since there must come a time when development can and will proceed on the basis of long-term planning and the need for urgent action is past. We regretted that this had not been recognised by restricting the life of these provisions, subject to renewal if necessary by Parliament, as was done in the case of the special acquisition procedure which initially formed part of the Land Acquisition (Authorisation Procedure) Acts of 1946 (for England and Wales) and of 1947 (for Scotland) and had a life of five years only. We should add that, according to our information, no use has been made of the special powers.

Coal Industry Act 1975

22. Our interest in this legislation centred on proposals to amend provisions in the Opencast Coal Act 1958 relating to the temporary suspension of rights of way over footpaths and bridleways on land required for opencast coal mining. It was proposed to replace the existing obligatory inquiry into objections by a part obligatory and part discretionary inquiry. The Secretary of State for Energy would be obliged to hold an inquiry if objections were received from a county or district council but would be given an absolute and unqualified discretion where the only objections were from other sources. In the latter case we considered that the Secretary of State should have no more than a qualified discretion to dispense with an inquiry in special circumstances, for example, if the objections related to the authorisation to work the land rather than to the suspension of rights of way or if the objector had no tangible interest in the matter. It was our view that the Secretary of State should not dispense with an inquiry if objections were received from any persons whose interests were affected by the proposed order.

23. Because of the relative unimportance of the rights of way issue; the Department of Energy were reluctant to introduce the more complicated arrangements we had sought or the alternative suggestion we made to the effect that the Secretary of State should have a discretion to dispense with an inquiry if satisfied in all the circumstances (having particular regard to the frequency of use of the rights of way involved and the adequacy of the alternative ways to be provided) that an inquiry was unnecessary. They offered instead, and we accepted, an assurance that a statement would be made in Parliament during the passage of the Bill which would declare the Secretary of State's intention to hold an inquiry if there was a clear and substantial public interest in a proposed suspension of a right of way. The following statement was accordingly made in the Committee proceedings

on the Bill: ". . . . . an undertaking can be given that it would be the intention to hold a public inquiry where there was a considerable weight of objection from various sources and that where a parish council, or indeed any objector who would be affected by the proposal, objected and were not prepared to have the case dealt with on the basis of written representations, then the Secretary of State would not dispense with a public inquiry before he had first consulted the Department of the Environment."[1]

24. In addition, the Bill was amended, at our request, to include a requirement that the Secretary of State should consider all objections to a suspension order before deciding whether or not to make it.

Community Land Act 1975

25. In early consultations following the publication of the White Paper entitled "Land"[2] and the circulation of a consultation document giving a more detailed indication of the Government's legislative intentions, we took up with the Department of the Environment two features of the proposals that were of principal interest to us—namely, (1) the establishment of tribunals to settle questions of financial hardship that might arise in individual cases when all acquisitions of land by local authorities come to be made at current use value, and (2) the introduction of a modified procedure for the acquisition by local authorities of land required for development.

26. No conclusions were reached on the form and structure of the financial hardship tribunals which will be established by regulations when the need arises. We satisfied ourselves, however, that the regulatory power was drawn in wide enough terms to enable the establishment of a single or two-tier tribunal system, as might be appropriate, with a right of appeal to the courts on a point of law. These matters have been left for further consultation and later decision. We expressed surprise that, whereas regulations establishing the tribunals and conferring functions on them should be subject to affirmative resolution in Parliament, regulations prescribing the criteria for deciding questions of financial hardship should be subject to negative resolution. The Bill was later amended to meet this point.

27. Our principal interest lay in the modified acquisition procedure. The basic concept embodied in the legislation—that all land suitable and required for development should (with a few exceptions) be taken into public ownership—was a matter of policy for the Government. It followed from this concept that an objection to the principle of public acquisition of development land could not be a valid ground for opposing an acquisition order. These were not matters which called for an expression of views on our part.

28. We were, however, concerned to see in the original Bill that it was proposed to confer on the Secretary of State for the Environment an unqualified discretion to dispense with an inquiry where there were objections to a compulsory purchase order which were not withdrawn. We considered that there might be a case for dispensing with an inquiry at the compulsory purchase stage where the land to be acquired was already designated for development in a development plan (for example, a local plan) or where

[1] *Official Report*, Standing Committee A, 13th March 1975, Col. 179.
[2] (1974) Cmnd. 5730.

in the case of undesignated land, it was the subject of planning permission granted after an inquiry at which an objecting landowner or occupier had been afforded full opportunity to pursue his objections to the proposal to develop his land. In such cases the broad planning issues (namely, whether the land was suitable for development, either of a general or specific nature) would have been fully examined and considered at an inquiry. It was our view that a person whose property was liable to acquisition should have, or have had, an opportunity to be heard with regard to the " planning status " of the land, since after the initial phase of the scheme no planning permission for major development could be implemented without the land passing through public ownership.

29. Following discussions and written exchanges with the Department over a period of time, the Bill was amended in Committee in the House of Commons to provide that (i) where a local plan under the new development planning system had been adopted or approved, the Minister must afford an opportunity for an objector to be heard at the acquisition stage unless he is satisfied that the land to be acquired is the subject of a planning permission in force and granted by the confirming authority or that the grant of planning permission would be in accordance with the provisions of the local plan; and (ii) where no local plan has been adopted or approved, the Minister should be able to dispense with an inquiry at the acquisition stage only if planning permission for the development of the land would be in accordance with an old style development plan, an approved structure plan, a draft local plan which had satisfied the prescribed statutory requirements as to publicity and public participation, or other non-statutory plan which had been the subject of comparable publicity and public participation procedures.

30. With one reservation, we considered the amendments at (i) above to be satisfactory. In both the situations in which the Minister would be able to dispense with an inquiry at the acquisition stage, the owner, lessee or occupier would have had a prior opportunity to be heard—either as a statutory right or, in the exceptional case where a statutory right is not conferred, as a matter of established practice. Our reservation was met when, at the Report stage, the Bill was amended to provide that the grant of planning permission by the confirming authority was a condition precedent to dispensing with an inquiry only where it was granted after a public local inquiry.

31. We were, however, not satisfied with the amendments described at (ii) above. The impression was conveyed to the House of Commons Committee that our general satisfaction on point (i) also extended to point (ii). This misunderstanding was corrected by the Minister at the Report stage[1]. The proposed arrangements were admittedly of a transitional nature, but they could be applicable over a period of several years' duration until the country was comprehensively covered by structure and local plans. We saw no reason why the Minister should not be able to rely on existing development plans, so far as they were still relevant. The procedures in connection with the making of such plans would have provided those who were affected by the development proposals contained therein with an opportunity to be heard. In the rare but possible circumstance that an individual might have been

[1] *Hansard* (House of Commons), 13th October 1975, Cols. 1060–1061.

affected by a Secretary of State's modification of a plan after inquiry and had not been afforded an opportunity to be heard on the modification, we would expect the Minister to exercise his discretion in favour of affording that person a hearing at the acquisition stage. We did not consider, however, that the opportunities afforded to individuals to make their views known in respect of the other plans on which the Secretary of State proposed to rely were adequate for this purpose. By their very nature as strategic planning documents, structure plans could not be expected to set out proposed developments in sufficiently detailed terms to enable an individual to identify how his interests might be affected; and even if he could identify the effect of the plan on his interests, he had no guarantee that he would be given any effective opportunity to pursue his objections at a structure plan examination. In the case of draft local plans and other plans that had been the subject of publicity and public participation procedures, we did not regard these procedures as a satisfactory substitute for a statutory inquiry at which an owner, lessee or occupier would be entitled to present his objections and challenge the planning basis on which the local authority proposed to acquire the land. For these reasons we felt that we must oppose any reliance on these plans as a basis for the Secretary of State to exercise a discretion to dispense with an inquiry.

32. As a result of further discussions, the Minister agreed that for all normal purposes he would not rely on draft local plans, on draft structure plans or on any other plans save existing development plans and approved structure plans read together with existing development plans. A new "reserve power" was proposed which, instead of giving him the unfettered discretion provided in earlier comparable provisions in the Bill, would have the effect of extending the circumstances in which he could dispense with an inquiry to include the designation of land for development in a draft local plan or any other plan which had been the subject of comparable publicity and public participation procedures (which latter category we now understand could include a draft structure plan). The "reserve power" would be invoked if the Secretary of State considered it necessary to do so "in the public interest"—by order effective for a period not exceeding five years and subject to affirmative resolution of each House of Parliament.

33. We accepted this solution and the necessary amendments to the Bill were made at the Report stage[1]. Our reservations about the use of structure plans (approved or in draft) remain, even in the context of the "reserve power". We indicated to the Minister that, if the power should ever be invoked, we would expect him, in exercising his discretion, to satisfy himself not only that an approved structure plan had been framed in sufficient detail to have enabled the owner, lessee or occupier to identify how his particular interests were affected but also that the structure plan examination was so conducted as to give the person concerned an effective opportunity to challenge, if he wished, the proposed development of the land in question. We expressed the hope that he would be able to minimise, if not to avoid altogether, reliance on draft structure plans. The Minister assured us (although he could not bind his successors) that it was not the intention to rely on draft structure plans and that he shared the Council's view that this should, if possible, be avoided altogether.

[1] See paras. 2 and 3 of Sch. 4 to the Community Land Act 1975.

34. Among minor amendments to other legislation effected by this Act was the insertion in section 3 of the Lands Tribunal Act 1949[1] declaring, for the avoidance of doubt, that the Lord Chancellor's power to make rules extended to authorising the Tribunal to determine certain claims for compensation in respect of land without an oral hearing, with the consent of the person initiating the proceedings. The details of this procedure will be worked out when we are consulted on draft rules in due course.

Child Benefit Act 1975

35. The Department of Health and Social Security consulted us at an early stage on legislative proposals for a new child benefit, in substitution for the existing family allowance, a distinctive feature of which was the payment of an allowance in respect of the first child. It was proposed that, as in the case of the family allowance, questions as to the right to child benefit would be determined by insurance officers, national insurance local tribunals and the National Insurance Commissioners and questions as to priorities between entitled persons would be determined by the Secretary of State in his discretion. We had no comments on these arrangements.

36. It was also proposed however that, as an interim measure pending the introduction of child benefit, an interim benefit would be provided for the first child in one-parent families. The Department envisaged that the initial decision as to the right to this benefit would be taken by the Secretary of State and not by an insurance officer, an appeal from the Secretary of State's decision lying to " such person or tribunal as may be specified or constituted for that purpose by the regulations ". We were given to understand that it was the intention to specify in the regulations that the chairmen and members of each National Insurance Local Tribunal would constitute " the tribunal "; there was to be no appeal from the Tribunal's decision. We questioned the need to establish a new tribunal for this temporary purpose; and we challenged the failure to provide a further appeal to the National Insurance Commissioners, arguing that (i) there was no difference between the interim benefit and the child benefit and the same rights of appeal ought therefore to be provided and (ii) since cohabitation could exclude a parent from interim benefit, the supervision of the Commissioners would be necessary to ensure satisfactory and consistent decisions where this issue arose.

37. In discussions with the Department, we accepted their arguments for not applying the national insurance adjudication arrangements to this benefit. It was explained that the new and extended basic scheme benefits to be provided under the Social Security Benefits Bill[2] would impose a considerable administrative strain on the national insurance system, particularly on the insurance officers, and that to avoid adding to these difficulties a simplified procedure for this special short-term benefit was considered to be appropriate. The Department accepted, however, the Council's view that there ought to be a right of appeal from the tribunal's decision and the Act provides for such an appeal " to such person as may be appointed for that

[1] See para. 3 of Sch. 10 to the Community Land Act 1975.
[2] Social Security Benefits Act 1975.

purpose by the Lord Chancellor after consultation with the Lord Advocate". It is understood that one or more of the National Insurance Commissioners[1] will hear these appeals.

Employment Protection Act 1975

38. We offered comments on the consultation document[2] which preceded this legislation. New jurisdictions were proposed for the Industrial Tribunals which would take them into new areas of industrial relations. We were satisfied that the issues involved were justiciable and suitable for adjudication under tribunal procedures. It was clear that these additional jurisdictions would result in a very considerable increase in the case-load of the tribunals, and we asked to be kept informed of plans for their expansion.

39. It was proposed to establish a new appellate body to hear appeals from the Industrial Tribunals and to place on a statutory footing the Advisory, Conciliation and Arbitration Service (already established on an administrative basis). These bodies were in some respects similar to, and would replace, the National Industrial Relations Court and the Commission on Industrial Relations, which ceased to exist with the repeal of the Industrial Relations Act 1971 by the Trade Union and Labour Relations Act 1974.

40. We expressed surprise that the appellate body which was apparently to be concerned solely with appeals on a point of law should include lay members. It was explained that the appellate body would hear not only appeals on questions of law from decisions of the Industrial Tribunals under the Redundancy Payments Act 1965, the Equal Pay Act 1970, the Contracts of Employment Act 1972, the Trade Union and Labour Relations Act 1974, the Sex Discrimination Act 1975 and the proposed legislation, but also appeals on questions of law and, in some cases, of fact from decisions of the Certification Officer, an officer of the Advisory, Conciliation and Arbitration Service who would be appointed by the Secretary of State for Employment to perform certain statutory functions in relation to the supervision of trade unions and employers' associations.

41. While we reached the conclusion that inquiries conducted by the Advisory, Conciliation and Arbitration Service would not fall within the Council's jurisdiction (for the same reasons as had led us to a similar view in the case of the Commission on Industrial Relations[3]), we felt some reservations about the Central Arbitration Committee of the Advisory Conciliation and Arbitration Service which, with its power to make enforceable awards, appeared to have many of the attributes of a tribunal under the Council's supervision. However, after careful examination of the functions of the Committee and comparison with the Industrial Relations Board (formerly the Industrial Court), we decided not to pursue this matter.

42. We questioned proposals in the consultative document relating to Wages Councils which would involve amendments to paragraph 4 of Schedule 1 to the Wages Councils Act 1959 and appeared to give the Secretary of State an

[1] The Chief National Insurance Commissioner (Mr. R. J. A. Temple, C.B.E., Q.C.) and another Commissioner (Mr. H. A. Shewan, C.B., Q.C.) have since been appointed to hear these appeals.

[2] Entitled "Employment Protection Bill", published in September 1974.

[3] See paras. 104–106 of our Annual Report for 1972/73 (1974, H.C. 82).

unqualified discretion to " set aside " objections to a proposed order abolishing a wage council and to dispense with an inquiry. We were content with the provisions as they finally emerged[1], under which the Secretary of State may set aside an objection only if he is satisfied that the objection is expressly dealt with in the report of the preliminary investigation by the Advisory, Conciliation and Arbitration Service or, if the subject matter (but not the objection) is expressly dealt with, a further inquiry into that subject matter would serve no useful purpose.

43. In the passage of this legislation through Parliament provisions were introduced amending the Employment Agencies Act 1973[2]; their purpose was to transfer the function of licensing employment agencies from local authorities to the Secretary of State for Employment. In prior exchanges with the Department it was agreed that a " proposed decision " procedure would be followed; an applicant for a licence or a licence-holder would be able to make representations against a proposed adverse decision and would be entitled to a hearing before a person appointed by the Secretary of State. The amended provisions of the 1973 Act[3] closely follow the procedure laid down after consultation with us for licensing decisions under the Dumping at Sea Act 1974[4].

Sex Discrimination Act 1975

44. In comments on the White Paper entitled " Equality for Women "[5], we expressed the view that it was appropriate to give the Industrial Tribunals jurisdiction to hear complaints about discrimination in the field of employment and welcomed the emphasis placed on the need for the appointment of more women to the Tribunals. The subsequent legislation did not in our view call for comment.

Local Government (Scotland) Act 1975

45. This Act provided for the reconstitution of Valuation Appeal Committees which are under the jurisdiction of the Scottish Committee. The subject is referred to in more detail elsewhere in this report[6].

46. It was noted that the Act differed from the Local Government Act 1974, referred to in our last report[7], in providing for the appointment of a single Commissioner for Local Administration in Scotland, and not a body of Commissioners, for the investigation of complaints of maladministration by local and certain other authorities and that there will not therefore be in Scotland, as in England and Wales, a Commission for Local Administration of which the Parliamentary Commissioner for Administration has *ex-officio* membership. The Scottish Committee do not envisage any problems in establishing effective consultation between them and the Commissioner on

[1] Para. 10 of Sch. 7 to the Employment Protection Act 1975.
[2] See paras. 30–32 of our Annual Report for 1972/73.
[3] See Sch. 13 to the Employment Protection Act 1975.
[4] Paras. 26–28 of our Annual Report for 1973/74.
[5] (1974) Cmnd. 5724.
[6] See paras. 76–81 below.
[7] Paras. 38–39 of our Annual Report for 1973/74.

overlapping jurisdiction—which is likely to arise, if at all, only in the planning-field and they intend to establish informal liaison with the Commissioner when he has been appointed[1].

Industry Act 1975

47. The Industry Bill was considerably changed during its passage through Parliament, not least in matters which were of interest to us.

48. This Bill empowered the Secretary of State to take over the share capital or assets of important manufacturing undertakings affected by an actual or threatened change of control to persons resident outside the United Kingdom. The original Bill provided that vesting and compensation orders made by the Secretary of State for this purpose might provide for the settlement by arbitration of disputes arising from those orders. Later amendments, however, provided that disputes arising out of a vesting or compensation order should be determined by an *ad hoc* arbitration tribunal which the Secretary of State was required to constitute on demand by a party to a dispute. The provisions regulating the establishment of the tribunals were closely modelled on those relating to the Iron and Steel Arbitration Tribunal in the Iron and Steel Act 1949 as amended—with one variation. In the case of the Iron and Steel Arbitration Tribunal the Lord Chancellor appointed the legally qualified President and the two members experienced in business and finance. It was agreed that the Secretary of State should appoint the two members of the new tribunals since the Lord Chancellor possessed no source of information as to suitable candidates and did not wish to be placed in the position of having to rely on recommendations from elsewhere.

49. The Bill, as published, contained exceedingly complicated provisions relating to the disclosure of a wide range of information by companies engaged in manufacturing industry which make a significant contribution to a sector of that industry which is important to the economy of the United Kingdom or any part thereof—both to a Minister and to representatives of relevant trade unions. A company could appeal to a " committee " appointed by the Secretary of State for Industry for release from a requirement to disclose information to the relevant unions. The " committee " we were told, would in fact be the Central Arbitration Committee to be established under the Employment Protection Act[2]. Subsequent amendments put the decision to release a company from the obligation to make disclosure in the hands of the Minister concerned, with the assistance of an advisory committee. The main feature of the new procedure was in essence a " proposed decision " procedure, analogous to that contained in the Dumping at Sea Act 1974. Various suggestions we made for the improvement of these provisions were accepted by the Department. They nevertheless remained complicated; unfortunately a more fundamental recasting of the provisions was not considered practicable since the Bill had reached the Report stage. A power to make regulations governing the procedure for references to the advisory committee was taken and we have received from

[1] It was announced in August 1975 that Mr. Robert Moore, who is a member of the Scottish Committee, had been appointed to the office of Commissioner for Local Administration in Scotland.

[2] See para. 41 above.

the Department an assurance that the person originating a reference will have, under the regulations, a right to a hearing before the advisory committee whose proceedings will constitute a statutory inquiry on behalf of the Minister and will accordingly fall within our jurisdiction.

Devolution within the United Kingdom

50. We examined with interest a paper issued by the Office of the Lord President of the Council[1], in which a number of alternative schemes of devolution were put forward to promote public discussion, and we also studied the subsequent White Paper entitled " Democracy and Devolution: Proposals for Scotland and Wales "[2]. Although the proposals in the White Paper were not set out in sufficient detail to enable us to assess their likely impact on the position of the Council and the Scottish Committee, we were able to form certain broad preliminary views on this matter which we communicated to the Lord Chancellor and the Lord Advocate. We asked for further consultation as soon as detailed proposals had been formulated and before any legislation was framed, so that consideration could be given to our future role.

[1] Devolution within the United Kingdom: Some alternatives for Discussion.
[2] (1974) Cmnd. 5732.

III

RULES OF PROCEDURE

51. During the 12 months covered by this report the Council and the Scottish Committee were consulted on eight sets of amendments to existing rules of procedure for tribunals and eleven sets of new procedural rules for tribunals and inquiries. A list of them is given in Appendix B and we mention some of them in the following paragraphs.

52. In our last report[1] we recorded discussions which were still in progress with the Lord Chancellor's Office and the President of the Lands Tribunal about draft Lands Tribunal (Amendment) Rules 1974, the object of which was to enable the Tribunal to give its decisions and reasons either orally or in writing. This amendment was in 1975 incorporated along with other important procedural changes in draft consolidating Lands Tribunal Rules. We welcomed the consolidation of the rules which we had suggested as far back as 1970.

53. The draft 1975 Rules gave the tribunal power to give its decision and reasons orally where satisfied that there would be no injustice or inconvenience to the parties. We were informed that written reasons would be given where an unrepresented party (other than a valuation officer) requested them before the decision was given and that this practice would be implemented in a direction issued by the President of the Tribunal. While we recognised that this change would be helpful we nevertheless considered that it could lead to difficulty because it was unlikely that an unrepresented party would know of such a direction. To meet this difficulty we suggested that the effect of the direction should be brought to the notice of the parties (1) by an appropriate footnote to the notice of hearing, and (2) by including in the direction an injunction to the tribunal to make a specific announcement about this at the commencement of the hearing. The President agreed with our first suggestion above and notices of hearing (which are not prescribed by the rules) now contain this footnote. So far we have received no indication that the President has agreed to our second proposal, but his preliminary view of it was that the direction itself and the publicity given to it by the footnote to the notice of hearing was probably all that was needed. We shall be interested to see whether the new rule will assist in the speedy disposal of the smaller types of case (to which its application is to be restricted) and in a saving of the tribunal's time, as the President of the Tribunal expects.

54. The Lord Chancellor's Office were able to accept most of the points and drafting suggestions that we made on the remainder of the draft consolidating rules. Thus, at our suggestion, the rules now (*a*) contain an index set out under "Arrangement of Rules" which should serve as a useful guide to the rules; (*b*) provide that the President must give his reasons for dismissing summarily (on the papers) an application for relief from restrictive covenants affecting land; (*c*) retain the provision under which a case cannot be set down for hearing earlier than 14 days after the notice of hearing is

[1] Paras. 60–63 of our Annual Report for 1973/74.

sent, but also provide for its waiver, with the parties' agreement, in those exceptional cases where an earlier hearing can be arranged; and (*d*) clarify the existing practice by stating expressly that payment of compensation is to be made into the Supreme Court. However, we were unable to persuade the Lord Chancellor's Office to give statutory effect in the rules to an existing direction by the President (issued as a result of our representations in 1968) whereby an order made by the tribunal in default of appearance at the hearing is accompanied by a letter setting out, for the party's information, his rights under the rule in question to apply to the tribunal to set aside the dismissal or determination, as the case might be. We decided not to press the point in the light of the assurance we were given that the Lord Chancellor himself was, on balance, satisfied that the draft rule (which was in identical terms with the corresponding current rule) and the existing practice of the tribunal afforded sufficient safeguards.

55. The jurisdiction of the industrial Tribunals has been extended further by the Health and Safety at Work etc. Act 1974 to appeals against improvement or prohibition notices served under section 21 or 22 of that Act respectively. Accordingly, the Council and the Scottish Committee were consulted about the Industrial Tribunals (Improvement and Prohibition Notices Appeals) Regulations 1974 and the corresponding regulations for Scotland which contain rules of procedure governing such appeals. Both sets of regulations were in identical terms (subject to certain minor modifications to suit purely Scottish requirements); they adhered to the pattern of earlier sets of regulations relating to these tribunals and, basically, the procedural provisions in each set conformed to those accepted by us in the consolidating regulations of 1972[1].

56. The Department of Employment proposed, however, to make in the new regulations a number of important changes in procedure upon which our views were particularly sought. These changes were:—

(i) to add a rule enabling the Secretary of the Tribunals to request an appellant to provide further particulars in writing of matters contained in his notice of appeal;

(ii) to omit from the rule relating to hearings, as being irrelevant in the context of these appeals, the provision that evidence likely to consist of information (*a*) which the witness could not disclose without contravening a prohibition imposed by or under any enactment, or (*b*) which had been communicated to the witness in confidence or had been obtained by him in consequence of the confidence reposed in him by another person, may be heard by the tribunal in private;

(iii) to provide for a tribunal to be able, of its own motion, to review its decision given on an appeal;

(iv) not to provide for discovery of documents;

(v) to empower a tribunal, either of its own motion or on the application of any person, to join any other person as a party to any proceedings;

(vi) to make no provision as to the award of costs.

[1] S.I. 1972/38 (1972 I, p. 91).

57. As regards (i) above, the Department explained that the intention was that the proposed power should be exercised only in those cases where the notice of appeal sent to the Secretary of the Tribunals was in manifestly inadequate terms and for the purpose of saving time. We doubted the propriety of vesting such a power in the Secretary of the Tribunals, but we were prepared to accept a rule empowering a tribunal, either of its own motion or on the application of a party to the appeal, to order further particulars of the notice of appeal to be furnished; and we eventually agreed to a provision under which this power could be exercised by the President or by a nominated chairman. On (ii) above, we agreed with the Department that this provision should be omitted from the rules, because we considered that it was inappropriate to evidence which might need to be given at hearings of these appeals. As to (iii), we saw no reason, and none was provided by the Department, why this power should be given exceptionally to these tribunals for the purpose of this jurisdiction and our preliminary reaction was to oppose the proposal. However, we appreciated that there could be occasions when a power to review its decision would be useful, for example, where a decision was wrongly made as a result of an error on the part of the tribunal staff. Accordingly, we raised no objection to the power being conferred, subject to a provision being included in the rules that such a power would not be exercised without giving the parties a reasonable opportunity of being heard or making written representations in the matter. In support of their proposal (iv) above, the Department argued that a provision for discovery of documents seemed unnecessary for the type of case involved in such appeals, and they pointed to proceedings in summary courts (which the notice procedure will partially replace) where the lack of such a provision would not appear to have caused difficulty or injustice. Furthermore, they feared that the provision could be used for delaying the conclusion of the appeal, thus defeating the main purpose of the 1974 Act which was to provide a speedy method of remedying unsatisfactory conditions. We were not persuaded that these were good reasons for excluding a provision enabling the tribunal to grant to a party discovery (or inspection) of documents. We considered that the tribunals ought to have such power, and we suggested that provision for it should be made in the rules on the lines of the relevant rule contained in the Industrial Tribunals (Dock Work) Regulations 1967[1]. We raised no objection to the Department's proposal at (v) above, but we made the point that if the Department considered that such a provision ought to be included in the rules, then the rule should also expressly provide that where the tribunal of its own motion proposed to join a person as a party to the appeal, notice of the proposal should be given to that person who ought to be given a reasonable opportunity of objecting to it, either in writing or orally. As regards proposal (vi), we were informed that the Presidents of the Tribunals had stated that they would be content to see no rule as to costs; but if there was to be a rule, they considered that it should provide for the award of costs to be in the discretion of the tribunal. It was our view that the tribunals should have a complete discretion to award costs on such appeals, such as they possessed in the exercise of their jurisdiction under the Docks and Harbours Act 1966, and that the draft rule to this effect should be retained.

[1] S.I. 1967/313 (1967 I, p. 1070), which ceased to have effect from 28th February 1972.

58. All our points and drafting suggestions have been met in substance. As a result the rules of procedures contained in the regulations[1] now provide, in particular, that a tribunal may, on the application of a party made either by notice or at a hearing, order such discovery or inspection of documents as may be ordered by a county court; and the rule relating to the award of costs has been retained.

59. The principal change made to the Value Added Tax Tribunals Rules 1972[2] by the Value Added Tax Tribunals (Amendment) Rules 1974[3] relates to costs. Rule 30 of the 1972 Rules, which has been replaced by rule 9 of the 1974 Amendment Rules above, enabled the tribunal to award costs and to quantify such costs; the new rule while continuing to enable the tribunal to award costs which it has quantified, also enables it to award taxed costs. We raised with the Department the question of the legal validity of the new provisions in the new rule relating to taxation of costs; but in view of their assurance that they were satisfied that there was authority for the provisions we decided, in accordance with our normal practice, not to pursue the point further. To determine the appropriate award of costs, particularly in the big, high-cost cases, is a very specialised task, and we considered the proposed new provisions for taxation as very desirable. The Department also mentioned to us the possibility that at some future date they might wish to reverse their present policy and practice of not generally applying for costs against unsuccessful appellants. They have assured us that if such a change of policy were to be contemplated they would first consult us.

60. As noted in paragraph 46 of our Annual Report for 1973–74, the draft Misuse of Drugs Tribunal (Scotland) Rules were still under consideration by the Scottish Committee when that report was made. By that time the corresponding rules for England and Wales had been made and, as might be expected, the provisions in the draft Scottish rules and the corresponding provisions in the English rules were, with one notable exception, in identical terms. The exception was that in the Scottish rules a time limit (not later than seven days after receipt of the notice of hearing) was expressly laid down within which the respondent might, if he so wished, serve on the other party to the proceedings a list of the documents on which he proposed to rely at the hearing. We supported this provision which accords with our declared view that it is important that time limits should be defined as clearly as possible in procedural rules[4].

61. The Scottish Committee made a number of points and some drafting suggestions on the draft rules and on an explanatory memorandum of guidance on the rules, some of which were accepted by the Scottish Home and Health Department. They were satisfied with the Department's reasons for not accepting the other points and agreed not to pursue them further.

62. The Department of Health and Social Security consulted us about the Social Security (Determination of Claims and Questions) Regulations 1975[5] which consolidate and replace the 1967 Regulations[6], as amended, relating to

[1] S.I. 1974/1925, 1926 (1974 III, pp. 6619, 6627).
[2] S.I. 1972/1344 (1972 II, p. 4063).
[3] S.I. 1974/1934 (1974 III, p. 6659).
[4] See para. 28(3) of our Annual Report for 1964.
[5] S.I. 1975/558 (1975 I, p. 1956).
[6] S.I. 1967/1570, 1571 (1967 III, pp. 4350, 4362).

the determination of claims and questions under the National Insurance and National Insurance (Industrial Injuries) Acts, consequent upon the consolidation of those Acts in the Social Security Act 1975. Our interest in these regulations centred on the procedural provisions relating to local tribunals, medical appeal tribunals and National Insurance Commissioners contained in Parts I, III, IV and V. Subject to necessary modifications consequent on the Social Security Act 1975 these provisions were identical in substance with the corresponding provisions in the 1967 Regulations above on which we had been consulted[1]. However, we considered that the opportunity should not be lost of suggesting improvements and we are glad to record that with one exception all our drafting points and suggestions, including one that there should be a table of contents, have been incorporated in the regulations. Two changes worth mentioning are a provision for the attendance of Members of the Council and the Scottish Committee at hearings held in private; and a provision, for the avoidance of doubt, concerning the right of any person entitled to be heard to address the tribunal or Commissioners.

63. We were unable to persuade the Department to accept two points: (i) the inclusion of a requirement to give reasoned decisions on applications to the Commissioners for oral hearings and for leave to appeal, and (ii) our proposal for shortening the regulations by making one regulation cover a procedure common to all the adjudicating bodies and having a similar (or nearly similar) content. However, having regard to the Department's tight time-table for making the regulations, we were content that the Department should consider these points further, as they had suggested, with a view to their inclusion if agreed in amending regulations at a suitable opportunity.

64. The Social Security (Correction and Setting Aside of Decisions) Regulations 1975[2] raised a number of points of some difficulty, which were discussed with representatives of the Department. The regulations proposed to make provision for the correction, by the person or body who gave the decision, of accidental errors in any decision or record of a decision given with respect to a claim or question specified in section 6(1) of the National Insurance Act 1974; they also proposed to provide for the setting aside of such a decision on specified grounds, where it appeared just to do so, and to prescribe the procedure to be followed in implementing those provisions.

65. While we recognised that the powers to be vested in the determining authorities by virtue of these regulations would be useful, we were doubtful about the practical implications of the regulations and how far they might extend. We pointed out to the Department that if, as the relevant regulation stood, a decision could be set aside on documentary evidence not in existence at the time of the decision (and submitted perhaps long afterwards), an undesirable element of uncertainty would be introduced, particularly in the case of long term National Insurance and Industrial Injuries awards, and there would be an overlap with the review powers exercised by a number of the determining authorities. The Department were unwilling to amend the provision on lines we suggested because they considered that the provision would not impinge upon the reviewing provisions and they did not

[1] See para. 43 of our Annual Report for 1967 (1967–68, H.C. 316).

[2] S.I. 1975/572 (1975 I, p. 2101).

feel it right to change it, since it followed the wording of the empowering section of the 1974 Act. However, the Department gave us an undertaking that retrospective action would not be taken by them to set aside a decision unless it would be in the claimant's favour, and they assured us (i) that the regulations would not be used by the determining authorities as a substitute for such powers as they may possess to review a decision, and (ii) that where a decision is set aside, a claimant/appellant would be given a satisfactory explanation of his rights in the matter. On this undertaking and on these assurances we accepted the proposed regulations, although we should have preferred the regulations to have been amended so as to avoid any doubt as to their effect.

66. Independent Schools Tribunals are one set of tribunals where, exceptionally, rates of remuneration and allowances of members require statutory prescription. In most tribunals, the legislation creating them does no more than place a duty on the Minister to pay fees and allowances, which are then changed by administrative means in consultation with the Civil Service Department. A similar situation arises as regards the attendance and other allowances to be paid to appellants appearing before the Pensions Appeal Tribunals; these allowances are prescribed by regulations and, as in the case of the Independent Schools Tribunals, any change in the rates needs an amending statutory instrument. Inflation and the frequent revision of rates have led to a succession of amending instruments—two for the Independent Schools Tribunals and four in respect of the Pensions Appeal Tribunals for England and Wales and for Scotland—on which our comments and those of the Scottish Committee have, as a matter of courtesy, been invited by the departments concerned. Not only does the need for a statutory instrument in such cases waste time and resources, but it could operate, and on occasion has operated, to delay the introduction of enhanced rates, to the disadvantage alike of tribunal members and appellants and their representatives[1].

67. When the Tribunals and Inquiries (Misuse of Drugs Tribunals) Order 1973[2] was made bringing under our supervision the tribunals for England and Wales and for Scotland constituted under Part I of Schedule 3 to the Misuse of Drugs Act 1971, we noticed that the Order did not include a provision applying to these tribunals section 13 of the Tribunals and Inquiries Act 1971 (which relates to appeals on a point of law to the High Court or, in Scotland, to the Court of Session). The Misuse of Drugs Act 1971 contains a two-stage reference procedure for the protection of practitioners whose authority to prescribe, administer and supply drugs is to be restricted by direction of the Secretary of State[3]. It provides for a reference to the tribunal and, in cases where the Secretary of State proposes to make a direction on the recommendation of the tribunal, for written representations to the Secretary of State who must then refer the case to an advisory body (consisting of three persons, one of whom is a Queen's Counsel) who will then consider it and advise the Secretary of State as to the exercise of his powers under the Act.

[1] So far as the Independent Schools Tribunals are concerned, this unsatisfactory situation will very sensibly be remedied when the Education Bill now before Parliament becomes law.

[2] Now replaced by the 1974 Order, S.I. 1974/1964 (1974 III, p. 6774).

[3] See para. 43 of our Annual Report for 1973–74.

68. In response to our request for information as to why section 13 had not been applied in this case, the Lord Chancellor's Office told us that it was their view (which was shared by the Lord Chancellor then in office) that the reference procedure to the advisory body was "as close to an appeal as one could imagine in this context" and that there was no need for an appeal on case stated to the High Court. We decided not to press the point further though the position is, in our view, less than satisfactory. In the light of the recommendation of the Franks Committee that generally an appeal on a point of law should lie to the courts from a tribunal decision[1], we consider that the proper forum for the determination of a question of law arising in proceedings before the Tribunal—and it was conceded by the Lord Chancellor's Office that points of law could arise in those proceedings—is the High Court (or the Court of Session, in Scotland) rather than the advisory body mentioned above. A reference to the advisory body is open to the respondent practitioner but would not be open to the Secretary of State, acting in the public interest; and that body acts simply in an advisory capacity, having no power to give an authoritative decision on the case referred to it.

[1] (1957) Cmnd. 218, see paras. 107–112.

IV

TRIBUNALS

(i) Lands Tribunal for Scotland

69. Our last report[1] mentioned that the Scottish Committee were awaiting a reply to their recommendation that the cost of references on points of law made *ex proprio motu* by the Lands Tribunal for Scotland to the Court of Session should be met from public funds. The Scottish Courts Administration informed the Committee that before such a recommendation could be considered a case would have to be made out for treating the Lands Tribunal for Scotland differently from other tribunals which can make similar references to the Courts. The Committee pointed out that there was no evidence that hardship or difficulty was presently arising in other tribunals but that specific difficulties had arisen in cases before the Lands Tribunal for Scotland on this question of referral. The Committee were subsequently informed that in view of severe constraints on public expenditure implementation of their recommendation—which in the Government's opinion would require legislation—could not be accorded priority in current circumstances. While the Committee have accepted that they cannot take matters further for the time being they intend to keep the subject under review and have so informed the President of the Lands Tribunal for Scotland, at whose instance their recommendation was originally made.

(ii) Mental Health Review Tribunals

70. We recorded in our last report[2] that we had sought the views of Regional Chairmen on the disclosure of the names of tribunal members. Their replies revealed that it was the general practice to disclose names, but that the way in which it was done varied. Some presiding members invariably introduced themselves and the members by name at the commencement of proceedings and provided the applicant with a typed note containing the names. Others furnished names on request. Our view, which has been communicated to Regional Chairmen, is that, unless there are special reasons for non-disclosure in particular cases, names should be furnished automatically or on request. We think that the method of disclosure is a matter for the tribunal's discretion, although we favour the view of the many Regional Chairmen who consider that the practice of the presiding member introducing himself and other members at the commencement of the proceedings helps to put applicants at their ease.

71. In recent years we have had occasion from time to time to examine the procedures followed in connection with references by the Home Secretary in respect of restricted patients. The absence of any clearly defined procedure (for example, for the handling of medical reports) and of any formal guidance for patients or their representatives prior to the hearing, either in the Mental Health Review Tribunal Rules 1960[3] or in the form of a leaflet, has given us some cause for concern. These matters have been raised with the Home Office and will be the subject of later report.

---

[1] Para. 73 of our Annual Report for 1973/74.
[2] Para. 75 of our Annual Report for 1973/74.
[3] S.I. 1960/1139 (1960 II, p. 1962).

(iii) **National Health Service : Service Committees**

72. There were further consultations with the Department of Health and Social Security in connection with the review of the composition and procedures of Service Committees which was fore-shadowed in paragraph 52 of our last Annual Report. But progress has been delayed while consideration is being given to the implications for the review of the recommendations in the report of the Davies Committee on Hospital Complaints Procedure[1].

(iv) **Supplementary Benefit Appeal Tribunals**

73. Complaints continued to be received about proceedings of these tribunals, particularly as to the adequacy of reasons for decisions. A solution was to provide some training for chairmen and members, the need for which had been discussed with the Lord Chancellor in September 1974. We had reason to believe that most chairmen and members would welcome some training, and it seemed to us essential that early steps should be taken to examine ways and means of meeting this need. To this end we held discussions with representatives of the Department of Health and Social Security and the Lord Chancellor's Office, as a result of which a senior and experienced chairman was invited to hold regional meetings of chairmen and to report their views and his conclusions on the form and content of training arrangements.

74. We also pressed our view (which we had held for some time) that, on the completion of Professor Bell's research study of these tribunals[2], their working ought to be the subject of a thorough and comprehensive review which should extend to an examination of the structure and organisation of the tribunals and also of many of the procedural issues that have been the subject of criticism in recent years.

75. We agreed to a proposal that chairmen should be asked, on a voluntary and experimental basis, to record on the appropriate form whether or not the decision of the tribunal was by a majority. We are inclined to think that it is only fair to a dissenting member who feels strongly about being associated with the majority decision that it should be open to him to have the fact of his dissent recorded publicly in this way, namely, without his being named. We have asked to be consulted again if the arrangements when introduced give rise to difficulties.

(v) **Valuation Appeal Committees**

76. In our last two reports[3] reference was made to suggestions and recommendations which had been made by the Scottish Committee for a thorough review of the constitution and working of Valuation Appeal Committees upon reorganisation of Local Government in Scotland. Legislative proposals, subsequently enacted in section 4 of the Local Government (Scotland) Act 1975, were approved by the Committee upon assurances being received that there would be a full discussion with the Committee on the terms of the Model Scheme for the constitution of Valuation Appeal Committees which, under the terms of that section, was to be made by the Secretary of State.

---

[1] See paras. 99–100 below.

[2] See para. 105 of our Annual Report for 1973/74.

[3] Para. 23 of our Annual Report for 1972/73 and para. 82 of our Annual Report for 1973/74.

Subsequently full consultation took place between the Department and the Committee on the provisions of the Valuation (Local Panel and Appeal Committees Model Scheme) (Scotland) Order 1975[1] which sets out the Model Scheme.

77. Features of the new system are that the Chairman of each Valuation Panel will be responsible for determining the number of Valuation Appeal Committees required in his area, for appointing panel members to the committees, and for deciding where and when committees will sit. In each area the Sheriff-Principal will appoint members to the Valuation Panel, and he will also appoint the Panel Chairman, such number of Deputy Chairmen as he thinks fit, and the Secretary with, if appropriate, Assistant Secretaries. The Sheriff-Principal will also have power to terminate such appointments, subject (in the case of Chairmen, Deputy Chairmen and Panel Members) to the consent of the Lord President of the Court of Session. Appointment to Panel membership will be for a period of five years, members being eligible for re-appointment, and no person who has reached the age of 70 will be appointed to a Panel. Valuation Appeal Committees will consist of a Chairman and not less than three nor more than six members, although in any year of re-valuation a committee may have more than six members if in the opinion of the Panel Chairman this is desirable, having regard to the nature of the appeals, or for the purpose of ensuring uniform application of legal and valuation principles within the valuation area.

78. The provisions in the Scheme go far to meet the Scottish Committee's criticism of the old system. Drafting suggestions submitted by the Committee were also generally adopted, and the Committee's only material proposal on the draft Scheme which the Secretary of State felt unable to adopt was that the Scheme should contain an express provision that the Chairmen of Valuation Panels should either have a legal qualification or be persons who have had wide experience of tribunal work.

79. The new Valuation Appeal Committees were brought within the jurisdiction of the Scottish Committee by the Tribunals and Inquiries (Valuation Appeal Committees) Order 1975[2], which appropriately amends Part II of Schedule 1 to the Tribunals and Inquiries Act 1971.

80. Amendments to the Valuation Appeal Committee Procedure (Scotland) Regulations 1965[3] directly consequential upon the provisions of the Local Government (Scotland) Act 1975 were approved by the Scottish Committee and effected by the Valuation Appeal Committee Procedure (Scotland) Amendment Regulations 1975[4]. These were minimal amendments required to enable the new system to become operational on 16th August 1975. The Department have, however, undertaken to carry out, at the Scottish Committee's request, a full-scale review and updating of the 1965 Regulations in consultation with the Committee. Preparation of a " plain man's guide " to the procedure is also envisaged.

[1] S.I. 1975/1220 (1975 II, p. 4210).
[2] S.I. 1975/1404 (1975 II, p. 4760).
[3] S.I. 1965/403 (1965 I, p. 1104).
[4] S.I. 1975/1261 (1975 II, p. 4273).

81. The Committee will watch with interest the working of the new arrangements, and currently views are being exchanged with the Department about steps which may be taken to promote training schemes and the formation of associations of Panel Chairmen and members. The Committee are also anxious to see encouragement given to Sheriffs-Principal to play an active role in overseeing the procedural working of Valuation Appeal Committees in their areas, and in co-ordinating the working of these Committees throughout the country.

(vi) **Appointment of women to tribunals**

82. When we last reported on the steps being taken to increase the appointment of women to tribunals[1], we expressed the view that it would seem wrong to by-pass the existing nominating bodies which, as constituted, are already equipped to recommend candidates of both sexes. It occurred to us that it might be helpful to discuss with one or two of these bodies the problems they encountered in obtaining the names of women suitable for nomination, and accordingly we arranged to hold separate discussions with representatives of the Confederation of British Industry and of the Trades Union Congress.

83. The discussions centred on the arrangements for obtaining nominations of persons (particularly of women) suitable for appointment as members of the Industrial Tribunals, the National Insurance Local Tribunals and the Supplementary Benefit Appeal Tribunals. They helped us to a better understanding of these arrangements and of the reasons why women candidates are not coming forward in as large numbers as would seem desirable. While we recognise that there has been an attempt to improve the situation, it is still a matter of concern to us that more women are not appointed to these (and other) tribunals, and we stress yet again the importance of continuing and intensifying the efforts to secure a higher proportion of women candidates.

(vii) **Legal aid in tribunal proceedings**

84. In the period under review the Lord Chancellor's Advisory Committee on Legal Aid completed their review of the need for legal aid in tribunal proceedings and reported to the Lord Chancellor[2]. While some of us had reservations about the extension of legal aid to certain tribunals, we generally welcomed and supported the principal recommendations (i) that legal aid should be extended to all statutory tribunals under our supervision in which legal representation is permitted and (ii) that the machinery for administering such aid should be provided by an extension of the green form advice and assistance scheme. We shared the Advisory Committee's view that special attention would need to be paid to the application of the statutory charge in favour of the Law Society; indeed, we questioned whether the charge should be applied at all and suggested that, as was provided in the case of the National Industrial Relations Court, the assisted person's liability should be limited to his own contribution. The Lord Chancellor assured us of his support for the Advisory Committee's main recommendations. As

[1] Paras. 74–80 of our Annual Report for 1972/73.

[2] Paras. 23–50 of the *Report of the Law Society and Comments and Recommendations of the Lord Chancellor's Advisory Committee*, 1973–74 (*Twenty-fourth Report*), H.C. 20 (1974–75).

announced in Parliament, however, current constraints on public expenditure and the urgent need to improve legal services generally mean that their implementation must be deferred.

85. We recognised that the limitations imposed on the Advisory Committee by their terms of reference made it impossible for them to consider the question of aided non-legal advice and representation for persons appearing before tribunals, on which a very considerable body of evidence was presented to them. We believe that, in addition to applicants who would benefit from the provision of legal aid, there is a substantial number of applicants for whom non-legal advice or representation is required and is indeed the more appropriate form of aid. There is a danger, in our view, that if there can be no assurance of non-legal advice and representation being available on an aided basis in appropriate cases there will be unnecessary recourse to legal aid. In our comments to the Lord Chancellor we emphasised the importance we attach to an early study in depth of ways and means of providing aided non-legal advice and representation. We do not feel that we can pronounce on the relative merits of the various proposals that were put forward in evidence to the Advisory Committee, much less indicate the shape and form of a satisfactory scheme, but we would be very ready to co-operate in any such study by an *ad hoc* committee which ought to include persons with special knowledge of the work being done by voluntary organisations and with insight into the problems involved. The Lord Chancellor did not favour our suggestion of an *ad hoc* committee. He referred to the Advisory Committee's recommendation of Government financial support for the existing agencies in this field and to the study being undertaken by his Office of the problem of the unmet need for legal services, and gave an assurance that the advantages of non-legal representation would not be overlooked in his consideration of the whole problem. While we recognise that additional funds may not be forthcoming at present, for either legal or non-legal aid, it is our view that a study of the question of providing non-legal aid could and should proceed without delay.

86. While we support the need for both legal and non-legal aid for certain applicants, we wish to make it clear that in our view it is the essence of the tribunal system that many if not most applicants should be able to present their cases satisfactorily without recourse to either form of assistance. The availability of such assistance should not lead to any slackening of the efforts of Departments to simplify the processes of appeal to tribunals and of tribunals to regulate their proceedings in such a way as to help the unrepresented applicant.

87. Finally, we supported the Advisory Committee's recommendation that they should be instructed next to consider the need for advice, assistance and representation before statutory inquiries as defined by section 19 of the Tribunals and Inquiries Act 1971. We would welcome the opportunity to collaborate again with the Advisory Committee in this further field of study. The need for financial constraint makes it unlikely, however, that this will be considered for some time to come.

88. Having considered the evidence submitted by the bodies consulted in the Scottish Home and Health Department's review[1] of the need for legal

[1] See para. 83 of our Annual Report for 1973/74.

aid in tribunal proceedings and having noted the views of the Lord Chancellor's Advisory Committee, the Scottish Committee recommended to the Department that such aid should be made available for all tribunal proceedings in Scotland with the single exception of Children's Hearings (which are not primarily concerned with testing issues and the underlying purpose of which is to involve children, their parents or guardians and social workers in free and full discussion). The Committee thought an extended form of the legal advice and assistance scheme might provide appropriate machinery for administering legal aid for tribunal proceedings. They also expressed the hope that awards made by tribunals would not be lost to assisted persons because of any need to meet liabilities to the legal aid fund. The Committee pointed out however that in many cases legal aid might not be the most appropriate form of help for those involved with tribunals and suggested that a study be made of ways and means of providing appropriate non-legal assistance and representation. Subject to the introduction of an adequate system of non-legal aid the Committee proposed that legal aid should only be made available in tribunal proceedings if the applicant showed that he reasonably required a lawyer. A reply to these recommendations is awaited.

89. The publicity material issued in 1974 for the legal advice and assistance scheme in Scotland[1] contained only a passing reference to tribunals and the Scottish Committee expressed their disappointment to the Scottish Home and Health Department. As a result of the Committee's representations it is understood that the 1975 publicity campaign will give much greater prominence to this aspect of the scheme. The Committee are pursuing the possibility of a separate publicity leaflet about the availability of the scheme for tribunal proceedings. The Committee will also be discussing with the Legal Aid Central Committee of the Law Society of Scotland how persons in tribunal proceedings might be made aware of the scheme and how its use for such proceedings might be statistically recorded.

[1] See para. 84 of our Annual Report for 1973/74.

V

INQUIRIES

(i) The Tribunals and Inquiries (Discretionary Inquiries) Order 1975

90. The first discretionary inquiries Order[1], which we mentioned in our Annual Report for 1966[2], specified 65 types of inquiry or hearing, leaving aside for further examination and argument a considerable number on which it had not been possible to reach agreement, either that they should be specified or that provision in the Tribunals and Inquiries Act 1958 requiring Ministers to give reasons for their decisions when requested to do so should be applied. Since then a further laborious and lengthly process of sifting has taken place with the departments concerned, and eventually the list of inquiries and hearings which should be brought within the Council's jurisdiction by a new Order was finalised in the light of the views expressed.

91. We agreed with the proposal of the Lord Chancellor's Office that the 1967 Order and the proposed new Order should be consolidated. We also agreed with the form of the proposed Order which differed from the precedent of the 1967 Order in that the Schedule was split into Part I and Part II. Section 12 of the Tribunals and Inquiries Act 1971 applies to those inquiries listed in Part I, and it will be the duty of any Minister who takes a decision after any such inquiry has been held by him or on his behalf to give the reasons for his decision if requested to do so, unless he is relieved of the duty by virtue of section 12(2) or (4). There will be no duty to give reasons in the case of any inquiry listed in Part II of the Schedule, because section 12 does not apply to such inquiries.

92. The new Order[3] was made on 11th August 1975 and came into operation on 19th September 1975. It brings a total of 105 classes of discretionary inquiry within our jurisdiction. Of the 72 types of inquiry listed in Part I of the Schedule to the new Order, 22 new inquiries have been brought within our scope; all the inquiries and hearings listed in Part II, totalling 33, are new. Following our representations, there is now almost complete correspondence between England and Wales and Scotland as to the types of inquiry/hearing included in the new Order.

(ii) Scrutiny of Inspectors' Reports and Decision Letters within the Inspectorate

93. We thought it right to examine a practice within the Inspectorate of the Department of the Environment, which had already come to our notice, of scrutinising the reports and decisions of certain inspectors before they were issued. As we were informed by the Director of the Planning Inspectorate in discussions, the scrutiny is mainly confined to the reports and decision letters of new and inexperienced inspectors; but such monitoring also forms

[1] The Tribunals and Inquiries (Discretionary Inquiries) Order 1967 (S.I. 1967/451 (1967 I, p. 1391)).

[2] See paras. 10 and 11 of our Annual Report for 1966.

[3] The Tribunals and Inquiries (Discretionary Inquiries) Order 1975 (S.I. 1975/1379 (1975 II, p. 4730)).

part of the later stages of training and management. Apart from the correction of accidental errors, suggestions are made as to ways in which a report or decision letter might be improved and as to the precise wording of any conditions to be attached to an appeal which is allowed. It is left to the inspector, however, to decide whether to adopt any suggestions made to him. One of the main purposes of the practice is to ensure that planning policy is consistently applied, both at local and national level.

94. We are satisfied that the practice is, on the limited basis described above, unobjectionable. There is no evidence of pressure being improperly applied so as to obtain a particular decision by an inspector.

(iii) Conduct of Public Local Inquiries (Scotland)

95. The discussion group referred to in our last report[1] completed its deliberations and the Scottish Office published in February 1975 a "Memorandum of Guidance on the Procedure in connection with Public Local Inquiries". The contribution of the Scottish Committee's representatives to the group's discussions was acknowledged in the published document which also pointed out, however, that the Scottish Committee had not been formally consulted on the Memorandum's content. The Memorandum sets out a code of procedure, recommended for most statutory inquiries in Scotland, aimed at making inquiry proceedings quicker, cheaper, more informal and more efficient while adhering strictly to the principles of openness, fairness and impartiality. The code does not so much introduce new procedures as draw together the best of the practices previously adopted for inquiries in Scotland. The Scottish Committee's view of the document was that the discussion group's work had been well worthwhile and the Memorandum, which was widely circulated, received favourable public reaction. The Scottish Office, who will consider whether further or amended guidance is desirable in the light of experience of the code's operation, have stated that the Scottish Committee will be invited to participate in discussion not only about the Memorandum but also about aspects of the new planning system under the Town and Country Planning (Scotland) Act 1972. The Scottish Committee welcome this, since they believe that keeping the code of procedure up to date in the light of good practice will help to maintain efficiency in the operation of public inquiries.

(iv) Inquiry Reporters (Scotland)

96. The Council's earlier consideration[2] of guiding principles for the appointment of persons to hold statutory inquiries excluded Scotland since at that time there were in Scotland no equivalents to Departmental Inspectors. Following the recent establishment of a salaried Reporters' Unit within the Scottish Office the Scottish Committee asked what principles would be applied in allocating inquiries between salaried and fee-paid reporters. As the Scottish Development Department's initial response seemed to imply that there might be difficulty in implementing the principles endorsed by the Council in their discussions with the Department of the Environment the Committee informed the Department of their concern about the question of

[1] Para. 88 of our Annual Report for 1973/74.

[2] See paras. 94–99 of our Annual Report for 1972/73.

public confidence if inquiries into proposals initiated by Government Departments were to be taken by an official who was in effect an employee of the Secretary of State. In reply the Department stated that there would be little or no difference in method between them and the Department of the Environment but that they wished to emphasise the extent—which they felt had not been sufficiently stressed—of the "grey area" problem in assessing the degree of Ministerial interest and involvement in the subject matter of any particular inquiry. Following a discussion between representatives of the Committee and of the Department satisfactory assurances were given that the Department accepted the principles approved by the Council and that a fee-paid Reporter would always be appointed where the Secretary of State had a major interest in the subject matter of an inquiry. The Department pointed out that there was sometimes real difficulty in Scotland in securing suitable fee-paid Reporters and the Committee accepted that because of this particular problem it might on occasion be necessary in marginal cases, for example, where the Secretary of State was nominally the initiating party but had only a minor policy interest in the outcome, to allocate to a salaried Reporter an inquiry which would preferably have been given to a fee-paid Reporter.

(v) **Hearings under section 22 of the Medicines Act 1968**

97. A complaint was received about a hearing held under section 22 of the Medicines Act 1968, which a Member of the Council happened to attend. It concerned the nature of the hearing which, as laid down in the Act, provides the aggrieved holder of, or applicant for, a manufacturer's or wholesaler's licence with an opportunity to make representations in writing to the licensing authority or to be heard by a person appointed by the licensing authority. The Act does not authorise the appointed person to weigh the oral representations made to him and, in the light of the Department's policy, make a recommendation. He is not empowered to do any more than listen and record the case of the aggrieved person.

98. The complaint could not therefore be supported, but we decided to examine, in consultation with the Department of Health and Social Security, whether any change in the form of hearing procedure would be desirable.

(vi) **Hospital Complaints Procedure**

99. In reply to their comments[1] on the Davies Committee Report the Scottish Committee were informed by the Scottish Home and Health Department that no action would be taken in Scotland until it was seen whether and to what extent the Davies Committee recommendations were to be implemented in England and Wales. The Scottish Committee will be consulted on any action proposed thereafter.

100. No announcement was made in the period under review about the implementation of the recommendations in England and Wales.

[1] See para. 104 of our Annual Report for 1973/74.

(vii) **Highways Inquiries**

101. We received and considered a number of complaints about highways inquiries. Common themes in these complaints were (i) the lack of statutory rules of procedure for these inquiries; (ii) a failure to provide sufficient explanation of policy before the inquiry and a lack of clear definition between matters of policy which cannot be questioned at the inquiry and other issues (such as the need for the proposed road) which are open to debate; and (iii) the disadvantages for the public of planning major roads in sections.

102. We had a discussion with the Department of the Environment in which we pressed strongly for procedural rules. We were told, however, that all the above matters were already the subject of a review within the Department, and agreed to await its outcome. Towards the end of the period covered by this report, a preliminary draft of rules of procedure was under consideration.

VI

INFORMATION AND RESEARCH

103. The research into Supplementary Benefit Appeal Tribunals by the University of Newcastle-on-Tyne under the direction of Professor Kathleen Bell, was coming to completion at the end of the period under review.

104. Our office has been in touch with Mr. Lee Bridges of the Institute of Judicial Administration, Birmingham University, who in association with others is conducting a study of structure plan examinations.

(*Signed*) TWEEDSMUIR,
Chairman

*I. R. GUILD,
Chairman (Scottish Committee)

EDNA BAYLISS
KATHLEEN M. BELL
C. R. DALE
CHLOE DAVIS
JACQUELINE FULTON
DESMOND HEAP
DAVID HIRST
JOHN MACDONALD
MANCROFT
CYRIL MOSELEY
W. S. MURRIE
†IDWAL PUGH
J. M. TURNER
D. G. T. WILLIAMS

BARBARA LEBURN
J. A. MATHESON
ROBERT MOORE
DONALD M. ROSS

W. S. CARTER, *Secretary*
R. WALKER, *Secretary (Scottish Committee)*
AUGUST 1976.

*Succeeded Mr. R. K. Will, W.S. as Chairman of the Scottish Committee and a Member of the Council on 12th January 1976.

†Replaced Sir Alan Marre as Parliamentary Commissioner for Administration on 1st April 1976.

APPENDIX A

TRIBUNALS UNDER THE GENERAL SUPERVISION OF THE COUNCIL ON TRIBUNALS AT 31ST JULY 1975

(Figures for the number of tribunals and for the number of cases relate to the calendar year 1974 except where otherwise stated)

Tribunals under the direct supervision of the Council (Part I of Schedule 1 to the Tribunals and Inquirers Act 1971) at 31st July 1975	*Number of Tribunals in each category at end of 1974*	*Total number of cases in 1974*
Agriculture The Agricultural Land Tribunals established under section 73 of the Agriculture Act 1947.	8	55[1]
Arbitrators appointed (otherwise than by agreement) under Schedule 6 to the Agricultural Holdings Act 1948.	Ad hoc	411[2]
Aviation The Civil Aviation Authority constituted in accordance with section 1 of the Civil Aviation Act 1971 in the exercise of functions prescribed for the purposes of section 5(2) of that Act.	1	1,574[3]
Betting Levy An appeal tribunal for England and Wales established under section 29 of the Betting, Gaming and Lotteries Act 1963.	1	166
Children's voluntary homes Appeal tribunals constituted in accordance with section 30 of, and Part I of Schedule 1 to, the Children Act 1948.	Nil	Nil
Commons The Commons Commissioners and assessors appointed under section 17(2) and (3) of the Commons Registration Act 1965.	1 Chief Commissioner and 3 Commissioners (2 full-time; 1 part-time)	1,359[4]
Consumer Credit The Director General of Fair Trading in respect of his functions under the Consumer Credit Act 1974 and any member of his staff authorised to exercise those functions under paragraph 7 of Schedule 1 to the Fair Trading Act 1973.	Not in operation at 31st December 1974	Nil

[1] This is the total number of cases dealt with by the Tribunals. The figures given in the Council's Reports for the years 1971, 1972 and 1973 were the total number of applications received in those years: the number of cases dealt with were 38, 41 and 42 respectively.

[2] This is the number of arbitrators appointed by the Minister, and includes cases abandoned at the request of either party after an appointment was made.

[3] This represents 1,116 air transport licences and 485 air travel organisers' licences granted and refused.

[4] This figure is made up as follows: 791 questions concerning the ownership of common land or town or village green where no person was registered under the Commons Registration Act 1965 as the owner; 568 disputes about the status or ownership of land registered under the 1965 Act as common land or town or village green, or about the common rights registered over such land.

Tribunals under the direct supervision of the Council (Part I of Schedule 1 to the Tribunals and Inquiries Act 1971) at 31st July 1975	*Number of Tribunals in each category at end of 1974*	*Total number of cases in 1974*
Education Independent Schools Tribunals constituted under section 72 of, and Schedule 6 to, the Education Act 1944.	Ad hoc	1
Forestry Committees appointed for the purposes of section 20 or 21 of the Forestry Act 1967, being committees the members of which are appointed by the Minister having functions under those sections as respects England and Wales.	Ad hoc (No tribunal has yet been constituted)	Nil
Immigration Appeals The adjudicators established under section 12 of the Immigration Act 1971.	1 Chief Adjudicator, 19 full-time and 35 part-time Adjudicators	6,573
The Immigration Appeal Tribunal established under section 12 of the Immigration Act 1971.	1 (currently sitting in 2 divisions)	211[1]
Indemnification of justices and clerks Any person appointed under section 27(3) of the Administration of Justice Act 1964.	Ad hoc (No tribunal has yet been constituted)	Nil
Industry and employment The industrial tribunals for England and Wales established under section 12 of the Industrial Training Act 1964.	In 1974 tribunals sat in London and 54 other centres in England and Wales	
(i) Appeals against assessments to levy under the Industrial Training Act 1964.		16(11)[2]
(ii) Appeals, applications and references under the Redundancy Payments Act 1965, the Industrial Relations Act 1971[3], the Contracts of Employment Act 1972 and the Trade Union and Labour Relations Act 1974[3].		13,569(6,290)
(iii) Reference of questions under the statutory provisions specified in Schedule 7 to the Redundancy Payments Act 1965 and under similar statutory provisions made subsequently relating to compensation for loss of employment or loss or diminution of emoluments and pension rights and related matters.		24(18)
(iv) References relating to selective employment payments under section 7 of the Selective Employment Payments Act 1966.		125(85)
(v) References of disputes about the meaning of " dock work " under section 51 of the Docks and Harbours Act 1966.		Nil

[1] This figure relates to the number of appeals determined by the Tribunal. In addition, 1,010 applications for leave to appeal were dealt with.

[2] Two sets of figures are shown for cases dealt with by Industrial Tribunals during 1974 under their various jurisdictions. The first figure includes all cases disposed of by, or on behalf of, a tribunal whether or not there was a hearing. The second figure (in brackets) shows the number of cases disposed of after a hearing. As regards the jurisdiction under (ii) statistics are not kept separately for each of them because many applications contain questions requiring consideration under all the Acts listed.

[3] The relevant provisions of the Industrial Relations Act 1971 were replaced by the Trade Union and Labour Relations Act 1974 on 16th September 1974.

Tribunals under the direct supervision of the Council (Part I of Schedule 1 to the Tribunals and Inquiries Act 1971) at 31st July 1975	*Number of Tribunals in each category at end of 1974*	*Total number of cases in 1974*
Industrial Training Referees established in pursuance of section 4B(5) of the Industrial Training Act 1964 to hear references of decisions of Industrial Training boards or committees as respects applications for certificate of exemption from levy.	Nil	Nil
Iron and steel The Iron and Steel Arbitration Tribunal re-established under section 32 of the Iron and Steel Act 1967.	1	Nil
Land The Lands Tribunal constituted under section 1(1)(*b*) of the Lands Tribunal Act 1949.	1	1,142(471)[1]
London Building Acts The tribunal of appeal constituted in accordance with section 109 of the London Building Acts (Amendment) Act 1939.	Ad hoc	Nil
Mental Health The Mental Health Review Tribunals constituted under section 3 of the Mental Health Act 1959.	15	952[2]
Milk and Dairies Tribunals constituted under regulations made under, or having effect as if made under, Part II of the Food and Drugs Act 1955.	8	1
Mines and Quarries Tribunals for the purposes of section 150 of the Mines and Quarries Act 1954.	No tribunal has yet been constituted	Nil
Misuse of Drugs The Misuse of Drugs Tribunal in England and Wales constituted under Part I of Schedule 3 to the Misuse of Drugs Act 1971.	1	1
National Health Service Executive Councils constituted under subsections (1) and (2) of section 31 of the National Health Service Act 1946, and joint committees constituted under subsection (4) of that section.	132 (until 31st March 1974)	224[3]
Family Practitioner Committee established in pursuance of section 5 of the National Health Service Reorganisation Act 1973 and joint committees constituted in accordance with regulations made under that Act.	98 (with effect from 1st April 1974)	535
		759

[1] The first figure includes all cases finally disposed of by the Lands Tribunal. The second figure (in brackets) shows the number of cases disposed of after a hearing or determination.

[2] The figure comprises decisions by the Tribunals on 577 applications and consideration by the Tribunals of 375 references by the Home Secretary.

[3] As from 1st April 1974 these fell to be dealt with by Family Practitioner Committees and their service committees which replaced Executive Councils and their service committees.

Tribunals under the direct supervision of the Council (Part I of Schedule 1 to the Tribunals and Inquiries Act 1971) at 31st July 1975	*Number of Tribunals in each category at end of 1974*	*Total number of cases in 1974*
National Health Service (continued)		
Service committees of an Executive Council, being committees constituted in accordance with regulations made under the National Health Service Act 1946.	528 (until 31st March 1974)	224[1] } 759
Service committees of a Family Practitioner Committee being committees constituted in accordance with regulations made under the National Health Service Acts 1946 to 1973.	392 (with effect from 1st April 1974)	535 }
The tribunal constituted under section 42 of the National Health Service Act 1946.	1	Nil
National Insurance, etc.		
An adjudicator appointed under section 74(3) of the National Insurance Act 1965.	1	10
Local tribunals constituted under section 77 of the National Insurance Act 1965 or constituted under regulations made under section 73(1) of that Act.	163 (England and Wales) 26 (Scotland)	*National Insurance* 25,538 *Industrial Injuries* 2,972
Medical appeal tribunals constituted for the purposes of the National Insurance (Industrial Injuries) Act 1965.	12 (England and Wales) 1 (Scotland)	12,710
Any Commissioner appointed under section 9 of the National Insurance Act 1966 and any tribunal presided over by such a Commissioner.	1 Chief Commissioner 8 Commissioners (2 in Scotland)	1,916[2]
The Occupational Pensions Board established in accordance with section 66 of the Social Security Act 1973.	Not in operation at 31st December 1974	Nil[3]
National Service		
The Military Service (Hardship) Committees constituted under Schedule 3 to the National Service Act 1948.	Nil	Nil[4]
The local tribunals constituted under Schedule 4 to the National Service Act 1948.	6 (England and Wales) 1 (Scotland)	Nil
The appellate tribunal constituted under Schedule 4 to the National Service Act 1948.	1 (2 Divisions for England and Wales and 1 for Scotland)	Nil
The referees selected under the proviso to section 23(3) of the National Service Act 1948.	3 (England and Wales) 2 (Scotland)	Nil
The Reinstatement Committees appointed under section 41(1) of the National Service Act 1948.	1 (England and Wales) 1 (Scotland)	Nil
The umpire and any deputy umpire appointed under section 41(4) of the National Health Service Act 1948.	1 Umpire	Nil

[1] As from 1st April 1974 these fell to be dealt with by Family Practitioner Committees and their service committees which replaced Executive Councils and their service committees.

[2] This figure is for the actual appeals decided and is made up as follows:—National Insurance Acts: 1,380; Industrial Injuries Acts: 442; Family Allowances Acts: 30; appeals on a point of law from decisions of Medical Appeal Tribunals: 64. It does not include cases where leave to appeal on a point of law from the decision of a Medical Appeal Tribunal was refused.

[3] The Occupational Pensions falls within the jurisdiction of the Council to the extent provided in section 66(4) and (9) and 67(5) of the Social Security Act 1973, but it has not been added to the tribunals specified in Schedule 1 to the Tribunals and Inquiries Act 1971.

[4] Although the statutory provisions for the six classes of National Service Tribunals remain in force, these tribunals have, in practice, ceased to function.

Tribunals under the direct supervision of the Council (Part I of Schedule 1 to the Tribunals and Inquiries Act 1971) at 31st July 1975	*Number of Tribunals in each category at end of 1974*	*Total number of cases in 1974*
Non-contributory benefit, etc. The appeal tribunals constituted in accordance with Schedule 3 to the Supplementary Benefit Act 1966.	120	27,242[1]
Nurses' training institutions Persons nominated under section 21(2) of the Nurses Act 1957.	Nil	Nil
Patents, designs and trade marks The comptroller-general of patents, designs, and trade marks, and any officer authorised to exercise the functions of the comptroller under section 62(3) of the Patents and Designs Act 1907.	3	7,910[2]
Pensions Pensions Appeal Tribunals constituted under the Pensions Appeal Tribunals Act 1943 or established under section 8 of the War Pensions (Administrative Provisions) Act 1919, being tribunals appointed for England and Wales.	Tribunals sit in London and at 9 provincial centres	3,498[3]
Tribunals appointed under regulations under section 1 of the Police Pensions Act 1948 to hear such appeals as by virtue of the regulations lie to tribunals so appointed.	Nil	Nil
Appeal tribunals constituted in accordance with a scheme in force under section 26 of the Fire Services Act 1947.	Nil	Nil
Performing rights The Performing Right Tribunal established under section 23 of the Copyright Act 1956.	1	Nil
Plant varieties The Controller of Plant Variety Rights and any officer authorised to exercise the functions of the Controller under section 11(5) of the Plant Varieties and Seeds Act 1964.	1	Nil
The Plant Varieties and Seeds Tribunal established by section 10 of the Plant Varieties and Seeds Act 1964 as amended by paragraph 5(5) of Schedule 4 to the European Communities Act 1972.	1	Nil
Prevention of fraud (investments) The tribunal of inquiry constituted under section 6 of the Prevention of Fraud (Investments) Act 1972.	1	1

[1] This figure is made up as follows:—25,611 appeals concerning supplementary benefit (including appeals under section 45 of the National Assistance Act 1948), 5 appeals under section 6 of the Selective Employment Payments Act 1966 and 1,626 appeals under section 7(3) of the Family Income Supplements Act 1970.

[2] This figure is made up as follows:—

Patents: *ex parte* 84, *inter partes* 148,
Designs: *ex parte* 32, *inter partes* 1,
Trade Marks: *ex parte* 7,600, *inter partes* 45.

[3] This figure includes 2,221 Entitlement appeal cases, of which 213 were Great War Cases and 1,277 Assessment Appeal Cases.

Tribunals under the direct supervision of the Council (Part I of Schedule 1 to the Tribunals and Inquiries Act 1971) at 31st July 1975	*Number of Tribunals in each category at end of 1974*	*Total number of cases in 1974*
Rates		
Local valuation courts constituted in accordance with section 88 of the General Rate Act 1958.	Courts are drawn from 78 Valuation Panels in England and 17 in Wales	39,060[1]
Rents		
Rent Tribunals constituted in accordance with section 69 of the Rent Act 1968.	53	22,903
Rent assessment committees constituted in accordance with Schedule 5 to the Rent Act 1968.	Committees are appointed ad hoc from 15 Regional Rent Assessment Panels in England and 1 in Wales	7,436[2]
Revenue		
The Commissioners for the general purposes of the income tax acting under section 2 of the Taxes Management Act 1970 for any division in England and Wales.	431	*Delay cases* 1,223,446 *Contentious appeals* 3,996
The Commissioners for the special purposes of the Income Tax Acts appointed under section 4 of the Taxes Management Act 1970.	1(There are 7 Special Commissioners; 2 is usually the quorum)	3,763 (Excluding Northern Ireland)
The Board of Referees appointed for the purposes of section 26 of the Capital Allowances Act 1968.	1	1
The tribunal constituted for the purposes of Chapter I of Part XVII of the Income and Corporation Taxes Act 1970.	1	12
Road Traffic		
The traffic commissioners appointed for any area constituted for the purposes of Part III of the Road Traffic Act 1960.	10 (England and Wales) 1 (Scotland)	17,142[3]
The licensing authorities for the purposes of Part V of the Transport Act 1968 and section 58 of the Road Traffic Act 1972.	10 (England and Wales) 1 (Scotland)	4,275[4]
Transport charges and licences		
The Transport Tribunal constituted as provided in Schedule 10 to the Transport Act 1962.	1	33

[1] Including one drainage rate appeal; a further 185,481 cases were settled out of court or withdrawn.

[2] Comprising decisions on 6,981 references for registration of fair rent and 455 references for certificates of fair rent.

[3] This figure is for the year ending 31st March 1974 and includes only cases heard at public sittings. It excludes cases involving variations in road service licences and backings for which figures are not easily available. It does, however, include new and renewal applications for backings and requests for reconsideration of decisions on Public Vehicle Driver's and Conductor's licensing.

[4] This figure is for the year ended 30th September 1974. It includes only the number of " notifiable applications " actually heard at Public Inquiries. It excludes requests for reconsideration of decisions on Heavy Goods Vehicle Driver's licensing which are not within the Council's jurisdiction.

Tribunals under the direct supervision of the Council (Part I of Schedule 1 to the Tribunals and Inquiries Act 1971) at 31st July 1975	*Number of Tribunals in each category at end of 1974*	*Total number of cases in 1974*
Value Added Tax Value added tax tribunals for England and Wales and for Northern Ireland established under section 40 of the Finance Act 1972, and Schedule 6 to that Act, as amended by section 8 of the Finance Act 1973, and section 6 of the Finance Act 1974.	6	309[1]
Wireless telegraphy The tribunal established under section 9 of the Wireless Telegraphy Act 1949.	1	Nil

[1] Each case referred to in this figure relates to a Notice of Appeal which is often served in respect of two or more transactions or tax assessments.

Tribunals under the supervision of the Scottish Committee of the Council (Part II of Schedule 1 to the Tribunals and Inquiries Act 1971) at 31st July 1975	*Number of Tribunals in each category at end of 1974*	*Total number of cases in 1974*
Agriculture Arbiters appointed (otherwise than by agreement) under section 77 of, or Schedule 6 to, the Agricultural Holdings (Scotland) Act 1949.	Ad hoc	32
Betting Levy An appeal tribunal for Scotland established under section 29 of the Betting, Gaming and Lotteries Act 1963.	1	32
Crofters The Crofters Commission constituted under section 1 of the Crofters (Scotland) Act 1955.	1	106
Education Independent Schools Tribunals constituted under section 113 of, and Schedule 7 to, the Education (Scotland) Act 1962.	Ad hoc (No tribunal has yet been constituted)	Nil
Forestry Committees appointed for the purposes of section 20 or 21 of the Forestry Act 1967, being committees the members of which are appointed by the Minister having functions under those sections as respects Scotland.	Ad hoc (No tribunal has yet been constituted)	Nil
Industry and employment The industrial tribunals for Scotland established under section 12 of the Industrial Training Act 1964.	In 1974 the tribunals sat in Glasgow and at 7 other centres in Scotland	
(i) Appeals against assessments to levy under the Industrial Training Act 1964.		1(0)[1]
(ii) Appeals, applications and references under the Redundancy Payments Act 1965, the Industrial Relations Act 1971[2], the Contracts of Employment Act 1972 and the Trade Union and Labour Relations Act 1974[2].		1,441(595)
(iii) Reference of questions under the statutory provisions specified in Schedule 7 to the Redundancy Payments Act 1965 and under similar statutory provisions made subsequently relating to compensation for loss of employment or loss or diminution of emoluments and pension rights and related matters.		Nil
(iv) References relating to selective employment payments under section 7 of the Selective Employment Payments Act 1966.		29(20)
(v) References of disputes about the meaning of " dock work " under section 51 of the Docks and Harbours Act 1966.		Nil

[1] See footnote on p. 33 for explanation of the two sets of figures given for cases dealt with by Industrial Tribunals during 1974 under their various classes of jurisdiction.

[2] The relevant provisions of the Industrial Relations Act 1971 were replaced by the Trade Union and Labour Relations Act 1974 on 16th September 1974.

Tribunals under the supervision of the Scottish Committee of the Council (Part II of Schedule 1 to the Tribunals and Inquiries Act 1971) at 31st July 1975	*Number of Tribunals in each category at end of 1974*	*Total number of cases in 1974*
Industry training Referees for Scotland established in pursuance of section 4B(5) of the Industrial Training Act 1964 to hear references of decisions of industrial training boards or committees as respects applications for certificates of exemption from levy.	Nil	Nil
Land The Lands Tribunal for Scotland constituted under section 1(1)(*a*) of the Lands Tribunal Act 1949.	1	83
Milk and Dairies Tribunals constituted under orders made under, or having effect as if made under, section 11 of the Milk (Special Designations) Act 1949.	1	Nil
Misuse of Drugs Misuse of Drugs Tribunal in Scotland constituted under Part I of Schedule 3 to the Misuse of Drugs Act 1971.	(No tribunal has yet been constituted)	Nil
National Health Service Executive Councils constituted under subsections (1) and (2) of section 32 of the National Health Service (Scotland) Act 1947 and joint committees constituted under subsection (4) of that section.	25 (until 31st March 1974)	14[1] } 46
Health Boards and joint committees of those Boards constituted under section 13 of the National Health Service (Scotland) Act 1972.	15 (with effect from 1st April 1974)	32 }
Service committees of an Executive Council, being committees constituted in accordance with regulations made under the National Health Service (Scotland) Act 1947.	80 (until 31st March 1974)	14[1] } 46
Service committees of a Health Board or a joint committee of Health Boards being committees constituted in accordance with regulations made under the National Health Service (Scotland) Acts 1947 to 1972.	48 (with effect from 1st April 1974)	32 }
The tribunal constituted under section 43 of the National Health Service (Scotland) Act 1947.	1	1
Nurses' training institutions Persons nominated under section 24(2) of the Nurses (Scotland) Act 1951.	Ad hoc (No tribunal has yet been constituted)	Nil

[1] As from 1st April 1974 these cases fell to be dealt with by Health Boards and their service committees which replaced Executive Councils and their service committees.

Tribunals under the supervision of the Scottish Committee of the Council (Part II of Schedule 1 to the Tribunals and Inquiries Act 1971) at 31st July 1975	*Number of Tribunals in each category at end of 1974*	*Total number of cases in 1974*
Pensions		
Pensions Appeals Tribunals constituted under the Pensions Appeal Tribunals Act 1943 or established under section 8 of the War Pensions (Administrative Provisions) Act 1919, being tribunals appointed for Scotland.	1 Entitlement 1 Assessment	335
Tribunals appointed under regulations under section 1 of the Police Pensions Act 1948 to hear appeals relating to the categories of officer mentioned in Regulation 74(10) of the Police Pensions Regulations 1971.	Ad hoc	Nil
Rates		
Valuation appeal committees constituted in accordance with section 5 of the Valuation and Rating (Scotland) Act 1956.	35	885[1]
Rents		
Rent Tribunals constituted in accordance with section 84 of the Rent (Scotland) Act 1971.	29	300
Rent assessment committees constituted in accordance with Schedule 5 to the Rent (Scotland) Act 1971.	Committees are appointed ad hoc from the Scottish Rent Assessment Panel	2,123[2]
Revenue		
The Commissioners for the general purposes of the income tax acting under section 2 of the Taxes Management Act 1970 for any division in Scotland.	57	Figures not centrally available
Social Work		
Any children's hearing constituted and arranged in pursuance of the Social Work (Scotland) Act 1968.	52 panels from which hearings are appointed	15,108
Any appeal tribunal established under Schedule 5 to the Social Work (Scotland) Act 1968.	(No tribunal has yet been constituted)	Nil
Value Added Tax		
Value added tax tribunals for Scotland established under section 40 of the Finance Act 1972, and Schedule 6 to that Act, as amended by section 8 of the Finance Act 1973 and section 6 of the Finance Act 1974.	1	16[3]

[1] This figure is for the year ended 31st March 1974.

[2] Comprising 2,050 references for registration of fair rent and 73 references for certificates of fair rent.

[3] See footnote on p. 38 for explanation of this figure for cases dealt with by Value Added Tax Tribunals during 1974.

APPENDIX B

List of Rules of Procedure

The following statutory instruments containing rules of procedure were submitted in draft to the Council during the period covered by this Report (1st August 1974 to 31st July 1975) or, having previously been considered by the Council, were made during that period:—

(*a*) *Tribunals*

(i) The Industrial Tribunals (Levy Exemption References) Regulations 1974. S.I. 1974 No. 1335.

(ii) The Industrial Tribunals (Labour Relations) Regulations 1974. S.I. 1974 No. 1386.

(iii) The Industrial Tribunals (Labour Relations) (Scotland) Regulations 1974. S.I. 1974 No. 1387.

(iv) The Independent Schools Tribunal (Amendment No. 2) Rules 1974. S.I. 1974 No. 1574.

(v) The Independent Schools Tribunal (Scotland) (Amendment) Rules 1974. S.I. 1974 No. 1701.

(vi) The Pensions Appeal Tribunals (England and Wales) (Amendment) Rules 1974. S.I. 1974 No. 1764.

(vii) The Industrial Tribunals (Improvement and Prohibition Notices Appeals) Regulations 1974. S.I. 1974 No. 1925.

(viii) The Industrial Tribunals (Improvement and Prohibition Notices Appeals) (Scotland) Regulations 1974. S.I. 1974 No. 1926.

(ix) The Value Added Tax Tribunals (Amendment) Rules 1974. S.I. 1974 No. 1934.

(x) The Pensions Appeal Tribunals (Scotland) (Amendment) Rules 1974. S.I. 1974 No. 1968.

(xi) The Independent Schools Tribunal (Amendment No. 3) Rules 1974. S.I. 1974 No. 1972.

(xii) The Lands Tribunal Rules 1975. S.I. 1975 No. 229.

(xiii) The Misuse of Drugs Tribunal (Scotland) Rules 1975. S.I. 1975 No. 459.

(xiv) The Social Security (Attendance Allowance) Regulations 1975. S.I. 1975 No. 496.

(xv) The Pensions Appeal Tribunals (Scotland) (Amendment) Rules 1975. S.I. 1975 No. 519.

(xvi) The Civil Aviation Authority (Third Amendment) Regulations 1975. S.I. 1975 No. 532.

(xvii) The Social Security (Determination of Claims and Questions) Regulations 1975. S.I. 1975 No. 558.

(xviii) The Social Security (Correction and Setting Aside of Decisions) Regulations 1975. S.I. 1975 No. 572.

(xix) The Independent Schools Tribunal (Amendment) Rules 1975. S.I. 1975 No. 854.

(xx) The Goods Vehicles (Operators' Licences) (Temporary Use in Great Britain) Regulations 1975. S.I. 1975 No. 1046.

(xxi) The Civil Aviation (Air Travel Organisers' Licensing) (Reserve Fund) Regulations 1975. S.I. 1975 No. 1196.

(xxii) The Pensions Appeal Tribunals (England and Wales) (Amendment) Rules 1975. S.I. 1975 No. 1188.

(*b*) *Inquiries*

(i) The Health and Safety Licensing Appeals (Hearings Procedure) Rules 1974. S.I. 1974 No. 2040.

(ii) The Health and Safety Licensing Appeals (Hearings Procedure) (Scotland) Rules 1974. S.I. 1974 No. 2068.

Printed in England by Her Majesty's Stationery Office

3170933 Dd 293902 K24 11/76

HER MAJESTY'S STATIONERY OFFICE

Government Bookshops

49 High Holborn, London WC1V 6HB
13a Castle Street, Edinburgh EH2 3AR
41 The Hayes, Cardiff CF1 1JW
Brazennose Street, Manchester M60 8AS
Southey House, Wine Street, Bristol BS1 2BQ
258 Broad Street, Birmingham B1 2HE
80 Chichester Street, Belfast BT1 4JY

Government publications are also available through booksellers

ISBN 0 10 008916 X