

Future Directions for Tribunals: A United Kingdom Perspective

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The purpose of this chapter is to look forward and to identify some future directions for tribunals in the United Kingdom (UK) under the aegis of the new Tribunals Service, established by executive act in April 2006 and now underpinned by the *Tribunals, Courts and Enforcement Act 2007* (UK).¹ In particular, three questions are explored which are of importance for the first decade of the Tribunals Service. The first issue concerns the relationship between tribunals and first instance decision-making in government agencies, which lies at the heart of any notion of administrative justice. The second question is whether tribunals will be able to maintain and enhance a distinctive ethos – in short, whether they are simply informal courts, or if they have an enabling and inquisitorial role which genuinely sets them apart from traditional courts of law. The third (and related) issue is the nature of the future role for the tribunal judiciary in the UK. In particular, what sort of relationship will develop between the new Upper Tribunal and the higher courts?

The Relationship between Tribunals and First Instance Decision-making

Decision-making Systems: Pyramids, Ziggurats and Icebergs

The relationship between tribunals and first instance decision-making is one with which socio-legal researchers have engaged over a number of years. Conventionally, lawyers view agency decision-making and tribunal structures as judicial pyramids, or perhaps, rather more accurately, as judicial ziggurats. In other words, at the base of the structure there is a mass of individual decisions; there are then a series of higher layers, tapering from this mass at the foot to a pinnacle at the top, as the several

¹ See generally N Wikeley, *Current Law Statutes Annotated: Tribunals, Courts and Enforcement Act 2007* (London, Thomson Sweet & Maxwell, 2007). See further *Transforming Tribunals: Implementing Part 1 of the Tribunals, Courts and Enforcement Act 2007* (London, Ministry of Justice, 2007).

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