

TRIBUNALS (SCOTLAND) ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2 – Organisational Arrangements

Structure of the First-tier Tribunal

Section 20 – Chambers in the Tribunal

46. [Section 20](#) provides for the organisation of the First-tier Tribunal into chambers and the allocation of the Tribunal's functions among those chambers. The chambers are to be organised according to the subject-matter of the Tribunal's functions as well as any other factors which are relevant to the exercise of the Tribunal's functions.
47. The organisation into chambers and the allocation of the Tribunal's functions are to be effected by regulations made by the Scottish Ministers (subsection (2)). By virtue of section 10(1), those regulations may make provision authorising the Lord President, or relying on Tribunal Rules (see commentary on section 68), to determine these matters. By virtue of section 11(1), the Scottish Ministers must consult the Lord President and such other persons as they consider appropriate before making regulations under section 20(2).
48. [Paragraph 7\(1\)](#) of schedule 9 makes transitional provision so that the First-tier Tribunal need not be organised into chambers or may have only one chamber for such period until it has acquired sufficient functions so as to merit this.

Section 21 – Chamber Presidents

49. [Section 21](#) provides that each chamber of the First-tier Tribunal must have one or two Chamber Presidents to preside over it. Subsection (2) prohibits a Chamber President from presiding over more than one chamber at the same time.

Section 22 – Appointment to post

50. This section provides that the Scottish Ministers, after consultation with the Lord President, are to appoint a Chamber President to preside over a particular chamber (subsections (1), (2) and (4)).
51. By virtue of section 16(2)(b), a Chamber President of the First-tier Tribunal is also a legal member of the Upper Tribunal. Section 22(3), therefore, makes provision so as to ensure that any person appointed to the position of Chamber President also meets the eligibility criteria which would be required of a person to be appointed as a legal member of the Upper Tribunal. The effect of subsection (3) is to provide that a person will only be eligible to be appointed as a Chamber President if he or she is, or meets the eligibility criteria for being appointed as, a legal member of the Upper Tribunal.
52. The eligibility criteria for appointment as a legal member of the Upper Tribunal are set out in Part 2 of schedule 5.