



# Tribunals (Scotland) Act 2014

## 2014 asp 10

### PART 2

#### ORGANISATIONAL ARRANGEMENTS

### CHAPTER 2

#### INTERNAL STRUCTURE

##### *Structure of Upper Tribunal*

#### **23 Divisions of the Tribunal**

- (1) The Upper Tribunal is to be organised into a number of divisions, having regard to—
  - (a) the different subject-matters falling within the Tribunal's jurisdiction, and
  - (b) any other factors relevant in relation to the exercise of the Tribunal's functions.
- (2) Accordingly, the Scottish Ministers may by regulations make provision for and in connection with—
  - (a) the organisation of the Tribunal as required by subsection (1),
  - (b) the allocation of the Tribunal's functions between the divisions.

#### **24 Vice-Presidents**

- (1) Each division of the Upper Tribunal is to have—
  - (a) a single Vice-President to preside over the division, or
  - (b) two Vice-Presidents to preside over the division.
- (2) A Vice-President may not preside over more than one division of the Tribunal at the same time.
- (3) Subsections (1) and (2) are subject to section 25(1)(b).
- (4) In this Act—

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*Status: This is the original version (as it was originally enacted).*

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- (a) a reference to a Vice-President of the Upper Tribunal is to a Vice-President of a division of the Tribunal,
- (b) where a division of the Tribunal has two Vice-Presidents, a reference to a Vice-President of such a division is to either or both of them (as the context requires).

## **25 Assignment to post**

- (1) The President of Tribunals may assign himself or herself—
  - (a) as a Vice-President of the Upper Tribunal,
  - (b) to preside over one or more than one division of the Tribunal.
- (2) Apart from the Lord President, any other judicial member of the Upper Tribunal may be assigned by the President of Tribunals—
  - (a) as a Vice-President of the Tribunal,
  - (b) to preside over a particular division of the Tribunal.
- (3) Assignment under subsection (1)—
  - (a) remains in effect until such time as the President of Tribunals may determine,
  - (b) does not affect the exercise by the President of Tribunals of the functions arising in that capacity.
- (4) Assignment under subsection (2)—
  - (a) requires—
    - (i) the Lord President’s approval (including as to the judicial member to be assigned),
    - (ii) the assignee’s agreement,
  - (b) remains in effect until such time as the President of Tribunals may determine (with such approval and agreement),
  - (c) does not affect the exercise by the assignee of any other functions as respects the Scottish Tribunals.

## **26 Appointment to post**

- (1) If requested to do so by the President of Tribunals, the Scottish Ministers may appoint a person as a Vice-President of the Upper Tribunal.
- (2) Before making an appointment under subsection (1), the Scottish Ministers must consult the Lord President (including as to the person to be appointed).
- (3) A person is eligible for appointment as a Vice-President only if the person is—
  - (a) a legal member of the Upper Tribunal, or
  - (b) if not falling within paragraph (a), eligible to be appointed as such a member of the Tribunal (whether or not already any type of member of the First-tier or Upper Tribunal).
- (4) An appointment made under subsection (1) is for the Vice-President to preside over a particular division of the Tribunal.