



Tribunals (Scotland) Act 2014

2014 asp 10

PART 5

DECISION-MAKING AND COMPOSITION

Decisions in First-tier Tribunal

37 Decisions in the Tribunal

- (1) The First-tier Tribunal's function of deciding any matter in a case before the Tribunal is to be exercised by one, or two or more, of the members of the Tribunal chamber to which the case is allocated.
- (2) The member or members are to be chosen by the Chamber President of the chamber (who may choose himself or herself).
- (3) The Chamber President's discretion in choosing the member or members is subject to—
 - (a) any relevant provisions in regulations made under section 38(1),
 - (b) any relevant directions given by virtue of section 47(5)(b).
- (4) In this section—
 - “Tribunal chamber” means chamber of the Tribunal,
 - [^{F1}“member”, in relation to a Tribunal chamber—
 - (a) means an ordinary, legal or judicial member of the Tribunal who is assigned to the chamber,
 - (b) while assigned to the chamber, also includes an extra judge who is authorised to act as mentioned in section 18(4).]

Textual Amendments

- F1** Words in s. 37(4) substituted (13.5.2022) by [Social Security Administration and Tribunal Membership \(Scotland\) Act 2020 \(asp 18\), ss. 16\(4\), 18\(2\)\(3\)](#); S.S.I. 2022/146, reg. 2

Changes to legislation: There are currently no known outstanding effects for the Tribunals (Scotland) Act 2014, Cross Heading: Decisions in First-tier Tribunal. (See end of Document for details)

Commencement Information

I1 S. 37 in force at 1.4.2015 by S.S.I. 2015/116, art. 2

38 Composition of the Tribunal

- (1) The Scottish Ministers may by regulations make provision for determining the composition of the First-tier Tribunal when convened to decide any matter in a case before the Tribunal.
- (2) Where regulations under subsection (1) provide for a matter to be decided by a single member of the Tribunal, the regulations must include provision for determining whether the single member is to be an ordinary, legal or judicial member of the Tribunal.
- (3) Where regulations under subsection (1) provide for a matter to be decided by two or more members of the Tribunal, the regulations must include provision for determining how many (if any) of those members are to be—
 - (a) an ordinary member,
 - (b) a legal member,
 - (c) a judicial member.
- (4) Regulations under subsection (1) may include provision for determining what relevant criteria are to be met by an ordinary member of the Tribunal for the member's involvement in decision-making in particular types of case.
- [^{F2}(4A) Regulations under subsection (1) may include provision about the involvement in decision-making of an extra judge who is authorised to act as mentioned in section 18(4).]
- (5) In subsection (4), “relevant criteria” includes criteria as to qualifications, experience and training.

Textual Amendments

F2 S. 38(4A) inserted (13.5.2022) by Social Security Administration and Tribunal Membership (Scotland) Act 2020 (asp 18), ss. 16(5), 18(2)(3); S.S.I. 2022/146, reg. 2

Commencement Information

I2 S. 38 in force at 1.4.2015 by S.S.I. 2015/116, art. 2

Changes to legislation:

There are currently no known outstanding effects for the Tribunals (Scotland) Act 2014, Cross
Heading: Decisions in First-tier Tribunal.