



# 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,
  - “member”, in relation to a Tribunal chamber, means ordinary, legal or judicial member of the Tribunal who is assigned to the chamber.

#### **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.

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*Status: This is the original version (as it was originally enacted).*

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- (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.
- (5) In subsection (4), “relevant criteria” includes criteria as to qualifications, experience and training.