



# Tribunals (Scotland) Act 2014

## 2014 asp 10

### PART 5

#### DECISION-MAKING AND COMPOSITION

##### *Voting where two or more members*

#### 41 Voting for decisions

- (1) The Scottish Ministers may by regulations make provision for the purposes of sections 37(1) and 39(1) in so far as a matter in a case before the First-tier Tribunal or the Upper Tribunal is to be decided by two or more members of the Tribunal, including—
- (a) for a decision to be made unanimously or by majority,
  - (b) where a decision is to be made by majority, for the chairing member to have a casting vote in the event of a tie.

[<sup>F1</sup>(2) For the purposes of subsection (1), an extra judge in relation to the First-tier Tribunal or the Upper Tribunal is to be treated as if a member of the Tribunal concerned (with section 42(1) so applying accordingly).]

#### Textual Amendments

- F1** S. 41(2) substituted (13.5.2022) by [Social Security Administration and Tribunal Membership \(Scotland\) Act 2020 \(asp 18\)](#), ss. **16(6)**, 18(2)(3); S.S.I. 2022/146, reg. 2

#### Commencement Information

- I1** S. 41 in force at 1.4.2015 by [S.S.I. 2015/116](#), art. 2

#### 42 Chairing members

- (1) Tribunal Rules may make provision for determining the question as to who is to be the chairing member where a matter in a case before the First-tier Tribunal or the Upper Tribunal is to be decided by two or more members of the Tribunal.
- (2) Rules making provision as described in subsection (1) may (in particular)—

---

**Changes to legislation:** *There are currently no known outstanding effects for the Tribunals (Scotland) Act 2014, Cross Heading: Voting where two or more members. (See end of Document for details)*

---

- (a) allow the President of Tribunals to determine the question,
- (b) specify criteria as against which the question is to be determined (including by reference to type of member or particular expertise).

---

**Commencement Information**

**I2** [S. 42](#) 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: Voting where two or more members.