

SCHEDULE 2

(introduced by section 29)

TRANSFER-IN OF MEMBERS

- 1 (1) The Scottish Ministers may by regulations provide for some or all of the transferable persons to become the holders of any of the particular or other positions within the Scottish Tribunals specified in paragraph 4(1) or (2).
- (2) In sub-paragraph (1), the transferable persons are the persons who—
- (a) are members—
 - (i) of any of the listed tribunals, or
 - (ii) of any panel or other body from which the members of any of the listed tribunals are drawn,
 - (b) are authorised decision-makers for any of the listed tribunals, or
 - (c) by reason of holding particular offices, constitute any of the listed tribunals.
- (3) But sub-paragraph (2) does not apply in relation to—
- (a) any—
 - (i) judges of the Court of Session, or
 - (ii) sheriffs, or
 - (b) if appointed by reason of holding judicial office, the President of the Lands Tribunal for Scotland.
- 2 Subject to the relevant provisions of schedule 7, regulations under paragraph 1(1) may contain provision for the terms and conditions under which the persons concerned are to hold those positions, including by—
- (a) preserving or altering the terms and conditions under which they are members of a listed tribunal, or
 - (b) replacing those terms and conditions with new ones.
- 3 (1) Regulations under paragraph 1(1) may be made only where some or all functions of the tribunal have been, or are to be, transferred by regulations under section 28(2) (whenever made).
- (2) Regulations under paragraph 1(1) must not cause any of the persons concerned to become the holder of any particular or other position to which the person would not be eligible for appointment under the relevant provisions of schedules 3 to 6.
- (3) A particular instrument containing regulations under paragraph 1(1) may not relate to the members of more than one of the listed tribunals.
- 4 (1) In relation to the First-tier Tribunal—
- (a) the particular positions are—
 - (i) Chamber President in the Tribunal,
 - (ii) Deputy Chamber President in the Tribunal,
 - (b) the other positions are—
 - (i) ordinary member of the Tribunal,
 - (ii) legal member of the Tribunal (apart from Chamber President (or Deputy)).
- (2) In relation to the Upper Tribunal—
- (a) the particular position is Vice-President of the Tribunal,
 - (b) the other positions are—

Status: This is the original version (as it was originally enacted).

- (i) ordinary member of the Tribunal,
- (ii) legal member of the Tribunal (apart from Vice-President).