

SCHEDULE 6

(introduced by section 32)

POSITIONS IN UPPER TRIBUNAL

PART 1

TEMPORARY VICE-PRESIDENT

Temporary Vice-President

- 1 If there is a temporary shortage in the number of Vice-Presidents of the Upper Tribunal or a temporary vacancy in the position, the President of Tribunals may assign a person as a Temporary Vice-President of a particular division during the shortage or vacancy.
- 2 (1) A person is eligible for assignment as a Temporary Vice-President only if the person is a legal member of the Upper Tribunal (other than a Vice-President).
(2) The functions of a Vice-President are exercisable by a Temporary Vice-President.
(3) Except where the context otherwise requires, a reference in or under this Act to a Vice-President includes a Temporary Vice-President.

PART 2

ASSIGNMENT INTERNALLY

Assignment of and by the President of Tribunals

- 3 (1) The President of Tribunals has the function of assigning the members of the Upper Tribunal among the divisions (including re-assignment or ending assignment).
(2) The President of Tribunals is to assign those members among the divisions in accordance with paragraphs 4 to 7.

Assignment of Vice-Presidents etc.

- 4 (1) A Vice-President of a division—
 - (a) is to be assigned to that division,
 - (b) may be assigned to act—
 - (i) in the case of a judicial member assigned as a Vice-President, as a judicial member also in another division,
 - (ii) in any other case, as a legal member also in another division.
- (2) Assignment under sub-paragraph (1)(b) is to act otherwise than as a Vice-President of the other division.
- (3) Assignment under sub-paragraph (1)(b) requires—
 - (a) the concurrence of the Vice-President of the other division, and
 - (b) the agreement of the member concerned.

Status: This is the original version (as it was originally enacted).

- 5 (1) This paragraph applies in relation to a legal member by reason of being a Chamber President in the First-tier Tribunal.
- (2) Each member to whom this paragraph applies may be assigned to—
- (a) one or more of the divisions, and
 - (b) different divisions at different times.
- (3) Any such member may be assigned to a particular division only with—
- (a) the concurrence of its Vice-President, and
 - (b) the agreement of the member concerned.
- (4) The assignment of any such member to a particular division may be ended only with the concurrence of its Vice-President.

Assignment of other members

- 6 (1) This paragraph applies in relation to an ordinary member or legal member by virtue of—
- (a) appointment as such, or
 - (b) transfer-in as such.
- (2) Each member to whom this paragraph applies—
- (a) is to be assigned to at least one of the divisions,
 - (b) may be assigned to different divisions at different times.
- (3) Any such member may be assigned to a particular division only with—
- (a) the concurrence of its Vice-President, and
 - (b) the agreement of the member concerned.
- (4) The assignment of any such member to a particular division may be ended only with the concurrence of its Vice-President.
- (5) This paragraph does not apply to a legal member to whom paragraph 4 or 5 relates.

Assignment of judicial members etc.

- 7 (1) A judicial member is to be assigned to at least one of the divisions.
- (2) An extra judge who is authorised to act as mentioned in section 18(4) is to be assigned to at least one of the divisions.
- (3) A judicial member or such an extra judge—
- (a) may be assigned to different divisions at different times,
 - (b) may be assigned to a particular division only with—
 - (i) the concurrence of its Vice-President, and
 - (ii) the agreement of the assignee concerned.
- (4) The assignment of a judicial member to a particular division may be ended only with the concurrence of its Vice-President.
- (5) Concurrence under sub-paragraph (3)(b)(i) or (4) is not required in relation to the assignment of the Lord President or the President of Tribunals.
- (6) This paragraph does not apply to a judicial member to whom paragraph 4 relates.