



Tribunals (Scotland) Act 2014

2014 asp 10

PART 2

ORGANISATIONAL ARRANGEMENTS

CHAPTER 1

MEMBERSHIP TYPES

Judiciary eligible to sit

18 Authorisation of others

- (1) If requested to do so by the President of Tribunals, the Scottish Ministers may issue a temporary authorisation for a person falling within subsection (2) to assist in the disposal of the business of the Upper Tribunal.
- (2) A person falls within this subsection if the person is—
 - (a) a former—
 - (i) judge of the Court of Session (including temporary judge),
 - (ii) Chairman of the Scottish Land Court, or
 - (iii) sheriff (except part-time sheriff), or
 - (b) a judge of a court or tribunal in a country or territory outwith Scotland (whether or not another part of the United Kingdom).
- (3) Any request for the purpose of subsection (1) may not be made without—
 - (a) the Lord President's approval, and
 - (b) the agreement of the person concerned.
- (4) An authorisation under subsection (1) is for the person concerned to act as if a judicial member of the Upper Tribunal during the period for which it is issued.
- (5) The period mentioned in subsection (4)—
 - (a) requires the same approval and agreement as is referred to in subsection (3), and

Status: Point in time view as at 01/04/2015. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Tribunals (Scotland) Act 2014, Section 18. (See end of Document for details)

- (b) may be extended by the Scottish Ministers (with such approval and agreement).
- (6) The Scottish Ministers may make payments of sums with respect to any time spent by a person while acting as mentioned in subsection (4) by virtue of authorisation under subsection (1).
- (7) An authorisation under subsection (1) may not be issued if the person concerned—
- (a) is aged 75 years or over, or
 - (b) has been removed from judicial office because of unfitness by reason of inability, neglect of duty or misbehaviour (or is for the time being suspended from such office in connection with an investigation into the question of such unfitness).
- (8) In the case of a person mentioned in subsection (2)(b)—
- (a) subsections (1) and (5) are subject to such further arrangements as the Scottish Ministers may make with a governmental or other body in the person's country or territory for the purposes of those subsections,
 - (b) if the person has not previously taken the required oaths, the person must take them in the presence of the President of Tribunals before acting as mentioned in subsection (4).
- (9) In addition—
- (a) the previous taking by a person of the required oaths counts (so far as necessary) as if it were the taking of them in connection with acting as mentioned in subsection (4),
 - (b) section 3 applies in relation to a person who is authorised to act as mentioned in subsection (4)—
 - (i) as it does in relation to the members of the Scottish Tribunals, and
 - (ii) during the period for which the relevant authorisation is issued.
- (10) In this section, “the required oaths” means the oath of allegiance and the judicial oath as set out in the Promissory Oaths Act 1868.

Commencement Information

II S. 18 in force at 1.4.2015 by S.S.I. 2015/116, art. 2

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