



Tribunals (Scotland) Act 2014

2014 asp 10

PART 5

DECISION-MAKING AND COMPOSITION

Decisions in Upper Tribunal

39 Decisions in the Tribunal

- (1) The Upper 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 division to which the case is allocated.
- (2) The member or members are to be chosen by the Vice-President of the division (who may choose himself or herself).
- (3) The Vice-President's discretion in choosing the member or members is subject to—
 - (a) subsection (4),
 - (b) any relevant provisions in regulations made under section 40(1),
 - (c) any relevant directions given by virtue of section 49(5)(b).
- (4) Each of the Lord President and the President of Tribunals has the right to be chosen and may exercise that right as he or she considers appropriate (but this is also subject to any relevant provisions in regulations made under section 40(1)).
- (5) In this section—
 - “Tribunal division” means division of the Tribunal,
 - “member”, in relation to a Tribunal division—
 - (a) means ordinary, legal or judicial member of the Tribunal who is assigned to the division,
 - (b) while assigned to the division, also includes an extra judge who is authorised to act as mentioned in section 18(4).