

*Changes to legislation: There are currently no known outstanding effects for the Tribunals (Scotland) Act 2014, SCHEDULE 4. (See end of Document for details)*

## SCHEDULE 4

(introduced by section 32)

### POSITIONS IN FIRST-TIER TRIBUNAL

#### PART 1

##### DEPUTY OR TEMPORARY PRESIDENT

###### *Deputy President*

- 1 If requested to do so by the President of Tribunals, the Scottish Ministers may appoint a person as a Deputy Chamber President of a particular chamber in the First-tier Tribunal.

###### Commencement Information

**II** Sch. 4 para. 1 in force at 1.4.2015 by S.S.I. 2015/116, art. 2

- 2 (1) A person is eligible for appointment as a Deputy Chamber President only if the person is—
- (a) a legal member of the First-tier Tribunal (other than a Chamber President), or
  - (b) if not falling within paragraph (a), eligible to be appointed as such a member (whether or not already any type of member of the First-tier or Upper Tribunal).
- (2) Before requesting that a person be appointed as a Deputy Chamber President, the President of Tribunals must consult the Chamber President of the chamber concerned.
- (3) If the Scottish Ministers decide not to make an appointment as a Deputy Chamber President, they must give the President of Tribunals written reasons.

###### Commencement Information

**I2** Sch. 4 para. 2 in force at 1.4.2015 by S.S.I. 2015/116, art. 2

- 3 (1) The functions of a Chamber President are exercisable by a Deputy Chamber President to such extent and in such manner as the Chamber President may direct.
- (2) Except where the context otherwise requires, a reference in or under this Act to a Chamber President excludes a Deputy Chamber President.

###### Commencement Information

**I3** Sch. 4 para. 3 in force at 1.4.2015 by S.S.I. 2015/116, art. 2

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### *Temporary President*

- 4 If there is a temporary vacancy in the presidency of a particular chamber, the President of Tribunals may assign a person as a Temporary Chamber President during the vacancy.

#### **Commencement Information**

**I4** Sch. 4 para. 4 in force at 1.4.2015 by S.S.I. 2015/116, art. 2

- 5 (1) A person is eligible to be assigned as a Temporary Chamber President only if the person is a legal or judicial member of the First-tier Tribunal (other than a Chamber President).
- (2) The functions of a Chamber President are exercisable by a Temporary Chamber President.
- (3) Except where the context otherwise requires, a reference in or under this Act to a Chamber President includes a Temporary Chamber President.

#### **Commencement Information**

**I5** Sch. 4 para. 5 in force at 1.4.2015 by S.S.I. 2015/116, art. 2

## **PART 2**

### ASSIGNMENT INTERNALLY

#### *Assignment by the President of Tribunals*

- 6 (1) The President of Tribunals has the function of assigning the members of the First-tier Tribunal among the chambers (including re-assignment or ending assignment).
- (2) The President of Tribunals is to assign those members among the chambers in accordance with paragraphs 7 to 9.

#### **Commencement Information**

**I6** Sch. 4 para. 6 in force at 1.4.2015 by S.S.I. 2015/116, art. 2

#### *Assignment of Chamber Presidents*

- 7 (1) A Chamber President of a chamber—
- (a) is to be assigned to that chamber,
  - (b) may be assigned to act as a legal member also in another chamber.
- (2) A Deputy Chamber President of a chamber—
- (a) is to be assigned to that chamber,
  - (b) may be assigned to act as a legal member also in another chamber,
  - (c) is to act as such under the direction of the Chamber President of any chamber to which assigned.

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- (3) Assignment under sub-paragraph (1)(b) or (2)(b) is to act otherwise than as a Chamber President or Deputy Chamber President in the other chamber.
- (4) Assignment under sub-paragraph (1)(b) or (2)(b) requires—
  - (a) the concurrence of the Chamber President of the other chamber, and
  - (b) the agreement of the member concerned.

**Commencement Information**

**I7** Sch. 4 para. 7 in force at 1.4.2015 by S.S.I. 2015/116, art. 2

*Assignment of other members*

- 8
- (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 chambers,
    - (b) may be assigned to different chambers at different times.
  - (3) Any such member may be assigned to a particular chamber only with—
    - (a) the concurrence of its Chamber President, and
    - (b) the agreement of the member concerned.
  - (4) The assignment of any such member to a particular chamber may be ended only with the concurrence of its Chamber President.
  - (5) This paragraph does not apply to a legal member to whom paragraph 7(1) or (2) relates.

**Commencement Information**

**I8** Sch. 4 para. 8 in force at 1.4.2015 by S.S.I. 2015/116, art. 2

*Assignment of judicial members*

- 9
- (1) A judicial member is to be assigned to at least one of the chambers.
  - [<sup>F1</sup>(1A) An extra judge who is authorised to act as mentioned in section 18(4) is to be assigned to at least one of the chambers.]
  - (2) A judicial member [<sup>F2</sup>or such an extra judge]—
    - (a) may be assigned to different chambers at different times,
    - (b) may be assigned to a particular chamber only with—
      - (i) the concurrence of its Chamber President, and
      - (ii) the agreement of the assignee concerned.
  - (3) The assignment of [<sup>F3</sup>a judicial member] to a particular chamber may be ended only with the concurrence of its Chamber President.

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#### Textual Amendments

- F1** Sch. 4 para. 9(1A) inserted (13.5.2022) by [Social Security Administration and Tribunal Membership \(Scotland\) Act 2020 \(asp 18\)](#), **ss. 16(7)(a)**, 18(2)(3); S.S.I. 2022/146, **reg. 2**
- F2** Words in sch. 4 para. 9(2) inserted (13.5.2022) by [Social Security Administration and Tribunal Membership \(Scotland\) Act 2020 \(asp 18\)](#), **ss. 16(7)(b)**, 18(2)(3); S.S.I. 2022/146, reg. 2
- F3** Words in sch. 4 para. 9(3) substituted (13.5.2022) by [Social Security Administration and Tribunal Membership \(Scotland\) Act 2020 \(asp 18\)](#), **ss. 16(7)(c)**, 18(2)(3); S.S.I. 2022/146, reg. 2

#### Commencement Information

- I9** [Sch. 4 para. 9](#) in force at 1.4.2015 by S.S.I. 2015/116, **art. 2**

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