

SCHEDULE

THE FIRST-TIER TRIBUNAL FOR SCOTLAND HEALTH AND EDUCATION CHAMBER RULES OF PROCEDURE 2018

PART 2

Procedure in Respect of references to First- tier Tribunal under section 18(1) of the 2004 Act

Power to exercise functions of an ordinary member

53.—(1) If either of the circumstances referred to in paragraph (2) occur after the decision of the First-tier Tribunal, the functions of the First-tier Tribunal may be undertaken by the legal member and the remaining ordinary member.

(2) The circumstances referred to in paragraph (1) are—

- (a) the death or incapacity of an ordinary member; or
- (b) such a member ceasing to be a member of the First-tier Tribunal.

(3) This rule shall not apply to the First-tier Tribunal—

- (a) when constituted with a legal member and one ordinary member in accordance with rule 39(4); or
- (b) in relation to which the Chamber President or another legal member is acting in place of the legal member in accordance with rule 52(3).