
SCOTTISH STATUTORY INSTRUMENTS

2018 No. 2

The First-tier Tribunal for Scotland General Regulatory Chamber Charity Appeals Cases and Upper Tribunal for Scotland (Composition) Regulations 2018

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the First-tier Tribunal for Scotland General Regulatory Chamber Charity Appeals Cases and Upper Tribunal for Scotland (Composition) Regulations 2018 and come into force on 12th January 2018.

(2) In these Regulations—

“Chamber President” means the Chamber President of the First-tier Tribunal;

“Charity Appeals Case” means proceedings before the First-tier Tribunal for Scotland General Regulatory Chamber, when exercising the functions allocated to it by regulation 2(1) of the First-tier Tribunal for Scotland (Transfer of Functions of the Scottish Charity Appeals Panel) Regulations 2018(1); and

“First-tier Tribunal” means the First-tier Tribunal for Scotland General Regulatory Chamber.

Composition of First-tier Tribunal

2.—(1) The First-tier Tribunal, when convened at the start of proceedings to decide any matter in a Charity Appeals Case, must consist of three members, one of whom must be a legal member who is to act as chairing member.

(2) When convened in terms of paragraph (1), the two members other than the chairing member must be:—

- (a) two legal members;
- (b) a legal and an ordinary member; or
- (c) two ordinary members.

(3) The authority to determine the composition of the First-tier Tribunal in respect of the alternative compositions referred to in paragraph (2) is delegated to the President of Tribunals, who may sub-delegate the authority to the Chamber President.

Composition of Upper Tribunal hearing appeals from First-tier Tribunal

3.—(1) The Upper Tribunal, when deciding an appeal to the Upper Tribunal in a Charity Appeals Case decided by the First-tier Tribunal, must consist of—

- (a) a Court of Session judge, acting either alone or with another judicial member of the Upper Tribunal;
- (b) the President of Tribunals, acting either alone or with another judicial member of the Upper Tribunal;

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- (c) the Lord President, acting either alone or with another judicial member of the Upper Tribunal; or
 - (d) the Chamber President (except a temporary Chamber President), acting either alone or with another judicial member of the Upper Tribunal.
- (2) The Chamber President referred to in paragraph (1) must not have had any involvement in the case prior to the appeal of the case to the Upper Tribunal.
- (3) In this regulation “judicial member of the Upper Tribunal” means a judge of the Court of Session.

St Andrew’s House,
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9th January 2018

ANNABELLE EWING
Authorised to sign by the Scottish Ministers