

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the First-tier Tribunal and Upper Tribunal (Composition of Tribunal) Order 2008/2835 (the 2008 Order).

Article 2 inserts a definition of practice direction.

Article 3 substitutes a new article 2 to provide that the number of members of tribunal panels in the First-tier Tribunal is to be one, two or three, as determined by the Senior President of Tribunals by practice direction; provide that the Senior President of Tribunals has to have with regard to the nature of the matter that falls to be decided and the means by which it is to be determined; provide (as already was the case) that the Senior President of Tribunals has to have regard to the need for tribunal members to have particular expertise, skills or knowledge; and omit the need to have regard to historic panel composition (previously in article 2(2)(a) of the 2008 Order).

Article 4 amends article 3 of the 2008 Order to ensure that panel composition in the Upper Tribunal is set by way of a practice direction when the Senior President of Tribunals sets panel composition at two or three members.

Article 5 ensures that practice statements published by the Senior President of Tribunals which set out arrangements for panel composition continue to apply until such time as they are superseded.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available at <https://legislation.gov.uk>.