

## SCHEDULES

### SCHEDULE 5

Section 12.

#### THE ADJUDICATORS AND THE TRIBUNAL

##### PART I

##### THE ADJUDICATORS

- 1 There shall be such number of adjudicators as the Secretary of State may with the consent of the Minister for the Civil Service determine, and the Secretary of State shall appoint one of them as chief adjudicator.
- 2 (1) An adjudicator shall hold and vacate his office in accordance with the terms of his appointment and shall, on ceasing to hold office, be eligible for re-appointment.  
(2) An adjudicator may at any time by notice in writing to the Secretary of State resign his office.
- 3 The Secretary of State shall pay—
  - (a) to the adjudicators, such remuneration and allowances as he may, with the approval of the Minister for the Civil Service, determine;
  - (b) as regards any of the adjudicators in whose case he may so determine with the approval of the Minister for the Civil Service, such pension, allowance or gratuity to or in respect of him, or such sums towards the provision of such pension, allowance or gratuity, as may be so determined;and, if a person ceases to be an adjudicator and it appears to the Secretary of State that there are special circumstances which make it right that that person should receive compensation, the Secretary of State may, with the approval of the said Minister, pay to that person a sum of such amount as the Secretary of State may, with the approval of that Minister, determine.
- 4 In Part III of Schedule 1 to the House of Commons Disqualification Act 1957 (which lists offices the holders of which are disqualified for membership of the House of Commons), and in the said Part III as it applies by virtue of Schedule 3 to that Act in relation to the Senate and House of Commons of Northern Ireland, there shall be inserted at the appropriate point the words " Adjudicator appointed for the purposes of the Immigration Act 1971 ".
- 5 The adjudicators shall sit at such times and in such places as the Secretary of State may direct; and the chief adjudicator shall allocate duties among the adjudicators and have such other functions as may be conferred on him by the Secretary of State.

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*Status: This is the original version (as it was originally enacted).*

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## PART II

### THE TRIBUNAL

#### *Members*

- 6        The Tribunal shall consist of such number of members as the Lord Chancellor may determine, and the Lord Chancellor shall appoint one of them to be president.
- 7        The president and such number of the other members of the Tribunal as the Lord Chancellor may determine shall be barristers, advocates or solicitors, in each case of not less than seven years standing.
- 8        (1) A member of the Tribunal shall hold and vacate his office in accordance with the terms of his appointment and shall, on ceasing to hold office, be eligible for re-appointment.
- (2) Any member of the Tribunal may at any time by notice in writing to the Lord Chancellor resign his office.
- 9        The Secretary of State shall pay—
- (a) to the members of the Tribunal, such remuneration and allowances as he may, with the approval of the Minister for the Civil Service, determine ;
- (b) as regards any member in whose case he may so determine with the approval of the Minister for the Civil Service, such pension, allowance or gratuity to or in respect of him, or such sums towards the provision of such pension, allowance or gratuity, as may be so determined ;
- and, if a person ceases to be a member of the Tribunal and it appears to the Secretary of State that there are special circumstances which make it right that that person should receive compensation, the Secretary of State may, with the approval of the said Minister, pay to that person a sum of such amount as the Secretary of State may, with the approval of that Minister, determine.
- 10       In Part II of Schedule 1 to the House of Commons Disqualification Act 1957 (which lists bodies of which all members are disqualified for membership of the House of Commons), and in the said Part II as it applies by virtue of Schedule 3 to that Act in relation to the Senate and House of Commons of Northern Ireland, there shall be inserted at the appropriate point the words " The Immigration Appeal Tribunal " .

#### *Proceedings*

- 11       For the purpose of hearing and determining appeals under Part II of this Act or any matter preliminary or incidental to any such appeal, the Tribunal shall sit at such times and in such place or places as the Lord Chancellor may direct, and may sit in two or more divisions.
- 12       Subject to rules of procedure, the Tribunal shall be deemed to be duly constituted if it consists of three members (or a greater uneven number of members) of whom at least one is qualified as mentioned in paragraph 7 of this Schedule; and the determination of any question before the Tribunal shall be according to the opinion of the majority of the members hearing the case.
- 13       The Lord Chancellor may appoint members of the Tribunal who are qualified as mentioned in paragraph 7 of this Schedule to act on behalf of the president in his temporary absence or inability to act.

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*Status: This is the original version (as it was originally enacted).*

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- 14 The president or, in his absence, the member qualified as mentioned in paragraph 7 of this Schedule (or, if there is more than one such member present, the senior of them) shall preside at a sitting of the Tribunal.

### **PART III**

#### **STAFF AND EXPENSES**

- 15 The Secretary of State may appoint such officers and servants for the adjudicators and the Tribunal as he may, with the approval of the Minister for the Civil Service as to remuneration and numbers, determine.
- 16 The remuneration of officers and servants appointed as aforesaid, and such expenses of the adjudicators and the Tribunal as the Secretary of State may with the approval of the Minister for the Civil Service determine, shall be defrayed by the Secretary of State.