

SCHEDULES

SCHEDULE 8

Section 140

GAMBLING APPEALS TRIBUNAL

President, deputy and members

- 1 (1) The Lord Chancellor shall appoint—
 - (a) a President of the Tribunal, and
 - (b) other members of the Tribunal.
- (2) The Lord Chancellor may appoint one or more members of the Tribunal as deputy President; and a deputy President—
 - (a) may act for the President when he is unable to act or unavailable, and
 - (b) shall perform such other functions as the President may delegate or assign to him.
- 2 A person may be appointed under paragraph 1 only if—
 - (a) he has a seven year general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990 (c. 41),
 - (b) he is an advocate or solicitor in Scotland of at least seven years' standing, or
 - (c) he is a barrister or solicitor in Northern Ireland of at least seven years' standing.

Tenure

- 3 (1) A person appointed under paragraph 1 shall hold and vacate office in accordance with the terms of his appointment (subject to this paragraph).
- (2) A person appointed under paragraph 1 may resign by notice in writing to the Lord Chancellor.
- (3) The Lord Chancellor may dismiss a person appointed under paragraph 1—
 - (a) on the grounds that the person is unable or unwilling to perform his functions, or
 - (b) on the grounds of misbehaviour.
- (4) At the end of Schedule 5 to the Judicial Pensions and Retirement Act 1993 (c. 8) (offices to which retirement provisions apply) add—

“President or other member of the Gambling Appeals Tribunal”.

Staff

- 4 The Lord Chancellor may appoint staff for the Tribunal.

Status: This is the original version (as it was originally enacted).

Money

- 5 The Lord Chancellor may pay sums to or in respect of a person appointed under paragraph 1 or 4 by way of or in respect of—
- (a) remuneration;
 - (b) expenses;
 - (c) allowances.
- 6 In Part II of Schedule 1 to the Judicial Pensions and Retirement Act 1993 (offices qualifying for pension) at the end of the list under the heading *Members of tribunals* add—
- “President of the Gambling Appeals Tribunal”.
- 7 The Lord Chancellor may incur expenditure in respect of the Tribunal.
- 8 Sums received by way of fees under section 147 shall be paid into the Consolidated Fund.

Sittings

- 9 (1) The Tribunal—
- (a) shall sit at such times and in such places as the President may direct in accordance with general arrangements made by the Lord Chancellor, and
 - (b) may sit in more than one place at a time.
- (2) Rules made by the Lord Chancellor under section 146 shall, in particular, make provision for determining whether a case shall be heard by the Tribunal sitting—
- (a) in England or Wales, or
 - (b) in Scotland.
- 10 (1) At each sitting the Tribunal may consist of—
- (a) the President,
 - (b) a member, or
 - (c) the President sitting with two other members.
- (2) The constitution of the Tribunal at each sitting shall be determined—
- (a) by the President, and
 - (b) in accordance with general arrangements made by the Lord Chancellor.
- (3) The arrangements may, in particular, include provision—
- (a) for a three-member tribunal to continue with one or two members in specified circumstances;
 - (b) for the President to have a casting vote if sitting with one other member by virtue of paragraph (a).
- 11 The Lord Chancellor—
- (a) shall consult the President before making arrangements under paragraph 9(1)(a) or 10(2)(b), and
 - (b) shall publish the arrangements.

Procedure

- 12 Decisions of the Tribunal may be taken by majority vote.

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

- 13 The President may, subject to rules under section 146, give directions about the practice and procedure of the Tribunal.
- 14 Rules made by the Lord Chancellor under section 146 may, in particular, make provision—
- (a) about the manner in which appeals are to be instituted;
 - (b) about the time in which appeals are to be heard;
 - (c) for the President or a member of the Tribunal to determine an interlocutory or ancillary matter;
 - (d) for the President or a member of the Tribunal to give directions—
 - (i) requiring parties or witnesses to take specified steps in relation to proceedings, and
 - (ii) as to how and when those steps are to be taken,
 - (e) about disclosure;
 - (f) for joining the Commission to proceedings;
 - (g) for the suspension by the Tribunal of decisions of the Commission (whether or not they have already taken effect);
 - (h) enabling the Tribunal to require persons to attend proceedings for the purpose of giving evidence or producing documents;
 - (i) enabling the Tribunal to administer oaths to witnesses;
 - (j) about the admission of members of the public to proceedings;
 - (k) about representation of parties;
 - (l) about withdrawal of proceedings;
 - (m) about the recording and promulgation of decisions;
 - (n) about the award of costs or expenses (which may, in particular, include an award against the Commission or another party joined in accordance with the rules);
 - (o) enabling the Tribunal to vary or revoke a decision, on grounds specified in the rules and within such period as the rules may specify.

Council on Tribunals

- 15 In Part I of Schedule 1 to the Tribunals and Inquiries Act 1992 (c. 53) (tribunals under general supervision of Council) the following shall be inserted before paragraph 22—

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| “Gambling appeals | 21C. The Gambling Appeals Tribunal established by section 140 of the Gambling Act 2005.” |
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Disqualification, &c.

- 16 At the appropriate place in Part II of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (disqualifying offices) insert—

“The Gambling Appeals Tribunal.””

- 17 At the end of Schedule 11 to the Courts and Legal Services Act 1990 (c. 41) (office-holders barred from legal practice) add—

“President of the Gambling Appeals Tribunal”.