

TRIBUNALS (SCOTLAND) ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2 – Organisational Arrangements

Structure of the Upper Tribunal

Section 23 – Divisions of the Tribunal

53. [Section 23](#) provides for the organisation of the Upper Tribunal into divisions and the allocation of the Tribunal's functions among those divisions. The divisions are to be organised according to the subject-matter of the Tribunal's functions as well as any other factors which are relevant to the exercise of the Tribunal's functions (for example, whether or not the function relates to a decision at first instance or an appeal from a decision of the First-tier Tribunal).
54. The organisation into divisions and the allocation of the Tribunal's functions are to be effected by regulations made by the Scottish Ministers (subsection (2)). By virtue of section 10(1), those regulations may make provision authorising the Lord President, or relying on Tribunal Rules (see commentary on section 68), to determine these matters. By virtue of section 11(1), the Scottish Ministers must consult the Lord President and such other persons as they consider appropriate before making regulations under section 23(2).
55. [Paragraph 7\(2\)](#) of schedule 9 makes transitional provision so that the Upper Tribunal need not be organised into divisions or may have only one division for such period until it has acquired sufficient functions so as to merit this.