

# TRIBUNALS (SCOTLAND) ACT 2014

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 4 – More About Membership Etc.**

##### **Appointment and assignment**

##### *Schedule 6 – Positions in Upper Tribunal*

113. [Section 32\(4\)](#) introduces schedule 6 which makes provision for assigning a Temporary Vice-President and the assignment of the members of the Upper Tribunal among the divisions.

##### **Schedule Part 1 – Temporary Vice-President**

114. [Paragraphs 1](#) and [2](#) enable the President of Tribunals to assign a legal member of the Upper Tribunal as a Temporary Vice-President in the event of a temporary shortage in the number of Vice-Presidents or a temporary vacancy in a position. A Vice-President cannot be assigned as a Temporary Vice-President of another division.

##### **Schedule Part 2 – Assignment internally**

115. Schedule Part 2 makes provision for assigning the various members of the Upper Tribunal among the divisions.
116. The function of assigning the members of the Upper Tribunal vests in the President of Tribunals ([paragraph 3\(1\)](#)) but is subject to the provision made in [paragraphs 4](#) to [7](#) ([paragraph 3\(2\)](#)).
117. A Vice-President is to be assigned to the division to which he or she is appointed or assigned to preside over. A judicial member who is assigned to act as a Vice-President under [section 24\(2\)](#) may also be assigned to act as a judicial member in another division (but cannot be assigned to another division to act as a Vice-President) while a legal member who is appointed to act as a Vice-President under [section 26\(1\)](#) may also be assigned to act as a legal member in another division (but cannot be assigned to act as a Vice-President of that Division) ([paragraph 4](#)). This requires the concurrence of the Vice-President of the division to which the member is being assigned.
118. All other legal members of the Upper Tribunal (including a person who is a legal member of the Upper Tribunal by virtue of being a Chamber President in the First-tier Tribunal) and its ordinary members are to be assigned to at least one division but may be assigned to more than one division ([paragraphs 5](#) and [6](#)). Any assignment to a division under [paragraphs 5](#) and [6](#) requires the concurrence of the Vice-President and the agreement of the member to be assigned ([paragraph 5\(3\)](#) or [6\(3\)](#)).
119. All other judicial members of the Upper Tribunal are to be assigned to at least one division but may be assigned to more than one division ([paragraph 7\(1\)](#)). A person who is authorised to act as a judicial member of the Upper Tribunal under [section 18\(5\)](#)

*These notes relate to the Tribunals (Scotland) Act 2014  
(asp 10) which received Royal Assent on 15 April 2014*

is also to be assigned to at least one division but may be assigned to more than one division (paragraph 7(2)). Any assignment to a division under paragraph 7 requires the concurrence of the Vice-President and the agreement of the member being assigned (paragraph 7(3)).