



Tribunals (Scotland) Act 2014

2014 asp 10

PART 1

THE SCOTTISH TRIBUNALS

CHAPTER 1

ESTABLISHMENT AND LEADERSHIP

Establishment and headship etc.

1 Establishment of the Tribunals

- (1) There are established two tribunals to be known as—
 - (a) the First-tier Tribunal for Scotland,
 - (b) the Upper Tribunal for Scotland.
- (2) The Tribunals mentioned in subsection (1) are referred to in this Act—
 - (a) respectively as—
 - (i) the First-tier Tribunal,
 - (ii) the Upper Tribunal,
 - (b) collectively as the Scottish Tribunals.
- (3) The constitution, operation and administration of the Scottish Tribunals are as provided for by or under this Act or another Act.
- (4) The jurisdiction, powers and other functions of the Scottish Tribunals are as conferred by or under this Act or another Act.

2 Head of the Tribunals

- (1) The Lord President is the Head of the Scottish Tribunals.
- (2) In that capacity, the Lord President has the functions exercisable by him or her by virtue of this Act.

3 Upholding independence

- (1) The following persons must uphold the independence of the members of the Scottish Tribunals—
 - (a) the First Minister,
 - (b) the Lord Advocate,
 - (c) the Scottish Ministers,
 - (d) members of the Scottish Parliament,
 - (e) all other persons with responsibility for matters relating to—
 - (i) the members of the Scottish Tribunals, or
 - (ii) the administration of justice,where that responsibility is to be discharged only in or as regards Scotland.
- (2) In particular, the First Minister, the Lord Advocate and the Scottish Ministers—
 - (a) must not seek to influence particular decisions of the members of the Scottish Tribunals through any special access to the members, and
 - (b) must have regard to the need for the members to have the support necessary to enable them to carry out their functions.

President of the Tribunals

4 Assignment to office

- (1) There is established the office to be known as that of President of the Scottish Tribunals.
- (2) It is for the Lord President to assign a person to that office.
- (3) An assignment of a person to that office continues for as long as the Lord President considers appropriate.
- (4) The Lord President may nominate a Vice-President of the Upper Tribunal to act temporarily in that office—
 - (a) if a person assigned to that office is for the time being unable to act in it, or
 - (b) pending an assignment of a person to that office.
- (5) A person assigned to that office under subsection (2) or nominated to act in it under subsection (4) must be a judge of the Court of Session (but may not be a temporary judge).

5 Functions of office

- (1) Under the headship of the Lord President, the President of Tribunals is the senior member of the Scottish Tribunals.
- (2) The President of Tribunals has the functions exercisable by him or her by virtue of this Act.
- (3) In this Act, a reference to the President of Tribunals is to the President of the Scottish Tribunals (and a reference to the office of President of Tribunals is to be read accordingly).