



# Tribunals (Scotland) Act 2014

## 2014 asp 10

### PART 4

MORE ABOUT MEMBERSHIP ETC.

#### *Appointment and assignment*

#### **32 Scheduled provisions**

- (1) Schedule 3 contains provision for the First-tier Tribunal about eligibility for and appointment to—
  - (a) ordinary membership,
  - (b) legal membership.
- (2) Schedule 4 contains provision for the First-tier Tribunal relating to—
  - (a) appointment or assignment to—
    - (i) a Deputy position,
    - (ii) a Temporary position,
  - (b) assignment of ordinary, legal and judicial members.
- (3) Schedule 5 contains provision for the Upper Tribunal about eligibility for and appointment to—
  - (a) ordinary membership,
  - (b) legal membership.
- (4) Schedule 6 contains provision for the Upper Tribunal relating to—
  - (a) assignment to a Temporary position,
  - (b) assignment of ordinary, legal and judicial members.

#### **33 Assignment policy**

- (1) The Lord President must publish a document recording the policy adopted in relation to the assignment of the ordinary, legal and judicial members within each of the First-tier Tribunal and the Upper Tribunal.
- (2) The Lord President must—

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- (a) keep the assignment policy under review,
  - (b) re-publish it if it is amended materially.
- (3) The assignment policy—
- (a) must be in terms designed to secure that appropriate use is made of the knowledge and experience of the members of the Scottish Tribunals (including their expertise in a particular area of the law),
  - (b) may include—
    - (i) specific provision for each of the Tribunals,
    - (ii) different provision for different purposes in any other respects.

#### *Training, conditions and conduct*

### **34 Training and review**

- (1) The Lord President is responsible for making and maintaining appropriate arrangements for the training and guidance—
  - (a) of the ordinary members, legal members and judicial members of the Scottish Tribunals,
  - (b) for the purpose of acting as mentioned in section 18(4), of any extra judges who are authorised to act as so mentioned.
- (2) The Lord President may make arrangements for the review of the ordinary members and legal members of the Scottish Tribunals.
- (3) Arrangements under subsection (1) or (2) may (in particular) require participation in activities for the purpose of training, guidance or review.
- (4) For the purpose of subsection (2), “review” includes ad hoc or continuing review of professional competency and development.

### **35 Conditions of membership etc.**

- (1) Schedule 7 contains provision for the terms and conditions on which ordinary and legal members of the Scottish Tribunals hold their positions.
- (2) The Scottish Ministers may by regulations make provision enabling a relevant appointment or transfer to be made or have effect in such terms as to cause a person to hold permanently the type of membership or (as the case may be) particular position in question.
- (3) The Scottish Ministers must consult the President of Tribunals before—
  - (a) making regulations under subsection (2), or
  - (b) exercising in relation to a relevant appointment or transfer the discretion allowed by such regulations.
- (4) The operation of paragraphs 2 to 8 of schedule 7 is subject to provision made by regulations under subsection (2).
- (5) For the purposes of subsection (2)—
  - (a) a relevant appointment is appointment or reappointment by the Scottish Ministers—
    - (i) of a person as an ordinary or legal member of the Scottish Tribunals,

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- (ii) of a legal member of the First-tier Tribunal as a Chamber President or Deputy Chamber President in the Tribunal, or
  - (iii) of a legal member of the Upper Tribunal as a Vice-President of the Tribunal,
- (b) a relevant transfer is transfer-in to the Scottish Tribunals—
- (i) of a person as an ordinary or legal member of the Tribunals by virtue of section 29(b), or
  - (ii) of a person to a particular position within the Tribunals by virtue of section 29(a).

### **36 Conduct and fitness etc.**

Schedule 8 contains provision for and in connection with—

- (a) investigation of members' conduct and imposition of disciplinary measures,
- (b) assessment of members' fitness for position and removal from position.