



# Tribunals (Scotland) Act 2014

## 2014 asp 10

### PART 5

#### DECISION-MAKING AND COMPOSITION

##### *Voting where two or more members*

#### **41 Voting for decisions**

- (1) The Scottish Ministers may by regulations make provision for the purposes of sections 37(1) and 39(1) in so far as a matter in a case before the First-tier Tribunal or the Upper Tribunal is to be decided by two or more members of the Tribunal, including—
  - (a) for a decision to be made unanimously or by majority,
  - (b) where a decision is to be made by majority, for the chairing member to have a casting vote in the event of a tie.
- (2) Subsection (1) applies in relation to the Upper Tribunal as if an extra judge who is authorised to act as mentioned in section 18(4) were a member of the Tribunal (with section 42(1) so applying accordingly).

#### **42 Chairing members**

- (1) Tribunal Rules may make provision for determining the question as to who is to be the chairing member where a matter in a case before the First-tier Tribunal or the Upper Tribunal is to be decided by two or more members of the Tribunal.
- (2) Rules making provision as described in subsection (1) may (in particular)—
  - (a) allow the President of Tribunals to determine the question,
  - (b) specify criteria as against which the question is to be determined (including by reference to type of member or particular expertise).