

SCHEDULE 4

(introduced by section 32)

POSITIONS IN FIRST-TIER TRIBUNAL

PART 1

DEPUTY OR TEMPORARY PRESIDENT

Deputy President

- 1 If requested to do so by the President of Tribunals, the Scottish Ministers may appoint a person as a Deputy Chamber President of a particular chamber in the First-tier Tribunal.
- 2 (1) A person is eligible for appointment as a Deputy Chamber President only if the person is—
- (a) a legal member of the First-tier Tribunal (other than a Chamber President), or
 - (b) if not falling within paragraph (a), eligible to be appointed as such a member (whether or not already any type of member of the First-tier or Upper Tribunal).
- (2) Before requesting that a person be appointed as a Deputy Chamber President, the President of Tribunals must consult the Chamber President of the chamber concerned.
- (3) If the Scottish Ministers decide not to make an appointment as a Deputy Chamber President, they must give the President of Tribunals written reasons.
- 3 (1) The functions of a Chamber President are exercisable by a Deputy Chamber President to such extent and in such manner as the Chamber President may direct.
- (2) Except where the context otherwise requires, a reference in or under this Act to a Chamber President excludes a Deputy Chamber President.

Temporary President

- 4 If there is a temporary vacancy in the presidency of a particular chamber, the President of Tribunals may assign a person as a Temporary Chamber President during the vacancy.
- 5 (1) A person is eligible to be assigned as a Temporary Chamber President only if the person is a legal or judicial member of the First-tier Tribunal (other than a Chamber President).
- (2) The functions of a Chamber President are exercisable by a Temporary Chamber President.
- (3) Except where the context otherwise requires, a reference in or under this Act to a Chamber President includes a Temporary Chamber President.

PART 2

ASSIGNMENT INTERNALLY

Assignment by the President of Tribunals

- 6 (1) The President of Tribunals has the function of assigning the members of the First-tier Tribunal among the chambers (including re-assignment or ending assignment).
- (2) The President of Tribunals is to assign those members among the chambers in accordance with paragraphs 7 to 9.

Assignment of Chamber Presidents

- 7 (1) A Chamber President of a chamber—
- (a) is to be assigned to that chamber,
 - (b) may be assigned to act as a legal member also in another chamber.
- (2) A Deputy Chamber President of a chamber—
- (a) is to be assigned to that chamber,
 - (b) may be assigned to act as a legal member also in another chamber,
 - (c) is to act as such under the direction of the Chamber President of any chamber to which assigned.
- (3) Assignment under sub-paragraph (1)(b) or (2)(b) is to act otherwise than as a Chamber President or Deputy Chamber President in the other chamber.
- (4) Assignment under sub-paragraph (1)(b) or (2)(b) requires—
- (a) the concurrence of the Chamber President of the other chamber, and
 - (b) the agreement of the member concerned.

Assignment of other members

- 8 (1) This paragraph applies in relation to an ordinary member or legal member by virtue of—
- (a) appointment as such, or
 - (b) transfer-in as such.
- (2) Each member to whom this paragraph applies—
- (a) is to be assigned to at least one of the chambers,
 - (b) may be assigned to different chambers at different times.
- (3) Any such member may be assigned to a particular chamber only with—
- (a) the concurrence of its Chamber President, and
 - (b) the agreement of the member concerned.
- (4) The assignment of any such member to a particular chamber may be ended only with the concurrence of its Chamber President.
- (5) This paragraph does not apply to a legal member to whom paragraph 7(1) or (2) relates.

Assignment of judicial members

- 9 (1) A judicial member is to be assigned to at least one of the chambers.
- (2) A judicial member—
- (a) may be assigned to different chambers at different times,
 - (b) may be assigned to a particular chamber only with—
 - (i) the concurrence of its Chamber President, and
 - (ii) the agreement of the assignee concerned.
- (3) The assignment of such a member to a particular chamber may be ended only with the concurrence of its Chamber President.