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**Changes to legislation:** *There are currently no known outstanding effects for the Tribunals (Scotland) Act 2014, Cross Heading: Judiciary and Courts (Scotland) Act 2008. (See end of Document for details)*

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## SCHEDULE 9 TRANSITIONAL AND CONSEQUENTIAL

### PART 2

#### CONSEQUENTIAL MODIFICATIONS

##### *Judiciary and Courts (Scotland) Act 2008*

- 12 (1) The Judiciary and Courts (Scotland) Act 2008 is amended as follows.
- (2) In section 10 (judicial offices within the Board's remit)—
- (a) in subsection (1), the word “and” immediately preceding paragraph (g) is repealed,
  - (b) before paragraph (g) of that subsection there is inserted—
    - “(fa) the positions within the Scottish Tribunals mentioned in subsection (2A), and”,
  - (c) after subsection (2) there is inserted—
    - “(2A) The positions within the Scottish Tribunals are—
      - (a) Vice-President of the Upper Tribunal, if to be appointed under section 26(1) of the Tribunals (Scotland) Act 2014,
      - (b) Chamber President in the First-tier Tribunal, if to be appointed under section 22(1) of that Act,
      - (c) Deputy Chamber President in the First-tier Tribunal, if to be appointed under the relevant provisions of schedule 4 to that Act,
      - (d) ordinary member or legal member of the First-tier Tribunal or the Upper Tribunal, if to be appointed under the relevant provisions of schedule 3 or (as the case may be) schedule 5 to that Act.”.
- (3) In section 30 (Judicial Complaints Reviewer), in subsection (5), after paragraph (h) there is inserted—
  - “(i) an ordinary or legal member of either or both of the Scottish Tribunals by virtue of section 15 or 16 of the Tribunals (Scotland) Act 2014.”.
- (4) In paragraph 3 of schedule 1—
- (a) in sub-paragraph (1), the word “and” immediately preceding paragraph (c) is repealed,
  - (b) after paragraph (c) of sub-paragraph (1) there is inserted “, and
    - (d) one person holding the position of Chamber President or of Vice-President within the Scottish Tribunals.”,
  - (c) after sub-paragraph (5) there is inserted—
    - “(6) For the purposes of sub-paragraph (1)(d)—
      - “Scottish Tribunals” is to be construed in accordance with the Tribunals (Scotland) Act 2014,
      - “Chamber President” means Chamber President in the First-tier Tribunal as referred to in that Act and “Vice-President”

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means Vice-President of the Upper Tribunal as referred to in that Act.”.

(5) After paragraph 16 of schedule 1 there is inserted—

*“Proceedings relating to the Scottish Tribunals*

- 16A (1) Sub-paragraph (2) applies where the Board is exercising any function under this Act in connection with a position mentioned in section 10(2A).
- (2) At least one member of the Scottish Tribunals is to take part in any proceedings relating to the function (whether or not also a member of the Board).
- (3) It is for the President of Tribunals to select a member of the Scottish Tribunals to take part as mentioned in sub-paragraph (2).
- (4) Before making a selection under sub-paragraph (3), the President of Tribunals must consult the Chairing Member.
- (5) Sub-paragraph (6) applies where a person taking part as mentioned in sub-paragraph (2) is not a member of the Board.
- (6) The person is to be treated as if a member of the Board for the purposes of—
- (a) sections 11 to 15 and 17, and
  - (b) paragraphs 5, 12 and 13 of this schedule.
- (7) The Board may not make a determination under paragraph 15 which is inconsistent with this paragraph.
- (8) In this paragraph, “President of Tribunals” is to be construed in accordance with the Tribunals (Scotland) Act 2014 and the references to a member of the Scottish Tribunals are to be construed in accordance with section 13(3) of that Act.”.

**Commencement Information**

**II** Sch. 9 para. 12 in force at 1.4.2015 by S.S.I. 2015/116, art. 2

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