



# Tribunals (Scotland) Act 2014

## 2014 asp 10

### PART 5

#### DECISION-MAKING AND COMPOSITION

##### *Decisions in Upper Tribunal*

#### **39 Decisions in the Tribunal**

- (1) The Upper Tribunal's function of deciding any matter in a case before the Tribunal is to be exercised by one, or two or more, of the members of the Tribunal division to which the case is allocated.
- (2) The member or members are to be chosen by the Vice-President of the division (who may choose himself or herself).
- (3) The Vice-President's discretion in choosing the member or members is subject to—
  - (a) subsection (4),
  - (b) any relevant provisions in regulations made under section 40(1),
  - (c) any relevant directions given by virtue of section 49(5)(b).
- (4) Each of the Lord President and the President of Tribunals has the right to be chosen and may exercise that right as he or she considers appropriate (but this is also subject to any relevant provisions in regulations made under section 40(1)).
- (5) In this section—
  - “Tribunal division” means division of the Tribunal,
  - “member”, in relation to a Tribunal division—
    - (a) means ordinary, legal or judicial member of the Tribunal who is assigned to the division,
    - (b) while assigned to the division, also includes an extra judge who is authorised to act as mentioned in section 18(4).

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**Changes to legislation:** *There are currently no known outstanding effects for the Tribunals (Scotland) Act 2014, Section 39. (See end of Document for details)*

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**Commencement Information**

**II** [S. 39](#) in force at 1.4.2015 by [S.S.I. 2015/116](#), **art. 2**

**Changes to legislation:**

There are currently no known outstanding effects for the Tribunals (Scotland) Act 2014, Section 39.