



Tribunals (Scotland) Act 2014

2014 asp 10

PART 5

DECISION-MAKING AND COMPOSITION

Decisions in Upper Tribunal

40 Composition of the Tribunal

- (1) The Scottish Ministers may by regulations make provision for determining the composition of the Upper Tribunal when convened to decide any matter in a case before the Tribunal.
- (2) Regulations under subsection (1) may treat separately the Tribunal's decision-making functions—
 - (a) at first instance,
 - (b) on review or appeal.
- (3) Where regulations under subsection (1) provide for a matter to be decided by a single member of the Tribunal, the regulations must include provision for determining whether the single member is to be an ordinary, legal or judicial member of the Tribunal.
- (4) Where regulations under subsection (1) provide for a matter to be decided by two or more members of the Tribunal, the regulations must include provision for determining how many (if any) of those members are to be—
 - (a) an ordinary member,
 - (b) a legal member,
 - (c) a judicial member.
- (5) Regulations under subsection (1) may include provision about the involvement in decision-making of—
 - (a) a judicial member of a particular description,
 - (b) an extra judge who is authorised to act as mentioned in section 18(4).

Status: This is the original version (as it was originally enacted).

- (6) Regulations under subsection (1) may include provision for determining what relevant criteria are to be met by an ordinary member of the Tribunal for the member's involvement in decision-making in particular types of case.
- (7) In subsection (6), "relevant criteria" includes criteria as to qualifications, experience and training.