



Social Security Administration and Tribunal Membership (Scotland) Act 2020

2020 asp 18

PART 2

TRIBUNAL MEMBERSHIP

16 Consequential modifications

- (1) The Tribunals (Scotland) Act 2014 is modified as follows.
- (2) In section 14—
 - (a) in subsection (2)(b), for “the Upper Tribunal” substitute “ the First-tier Tribunal or the Upper Tribunal (as the case may be) ”,
 - (b) in subsection (3)(b), after the second “of” insert “ the First-tier Tribunal or ”.
- (3) In section 19—
 - (a) in subsection (3), after “member” insert “ of the First-tier Tribunal or ”,
 - (b) for subsection (4), substitute—

“(4) In this Act—

 - (a) a reference to an extra judge in relation to the First-tier Tribunal is to a person falling within section 18(1A) (as read with section 18(4)),
 - (b) a reference to an extra judge in relation to the Upper Tribunal is to a person falling within section 18(2) (as read with section 18(4)).”
- (4) In section 37(4), for the definition of “member” substitute—

““member”, in relation to a Tribunal chamber—

 - (a) means an ordinary, legal or judicial member of the Tribunal who is assigned to the chamber,
 - (b) while assigned to the chamber, also includes an extra judge who is authorised to act as mentioned in section 18(4).”
- (5) After section 38(4), insert—

Changes to legislation: There are currently no known outstanding effects for the Social Security Administration and Tribunal Membership (Scotland) Act 2020, Section 16. (See end of Document for details)

“(4A) Regulations under subsection (1) may include provision about the involvement in decision-making of an extra judge who is authorised to act as mentioned in section 18(4).”.

(6) For section 41(2), substitute—

“(2) For the purposes of subsection (1), an extra judge in relation to the First-tier Tribunal or the Upper Tribunal is to be treated as if a member of the Tribunal concerned (with section 42(1) so applying accordingly).”.

(7) In paragraph 9 of schedule 4—

(a) after sub-paragraph (1), insert—

“(1A) An extra judge who is authorised to act as mentioned in section 18(4) is to be assigned to at least one of the chambers.”,

(b) in sub-paragraph (2), after “member” insert “ or such an extra judge ”,

(c) in sub-paragraph (3), for “such a member” substitute “ a judicial member ”.

(8) In schedule 10, after the entry for “judicial member (Upper)” insert—

“extra judge (First-tier)

Section 19(4)”.

Commencement Information

II [S. 16](#) in force at 13.5.2022 by [S.S.I. 2022/146](#), [reg. 2](#)

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