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

SCHEDULE 7 CONDITIONS OF MEMBERSHIP ETC.

Automatic reappointment

- 4 (1) Unless sub-paragraph (3) applies, a member of the Scottish Tribunals is to be reappointed as such at the end of each period for which the position is held.
- (2) Reappointment under sub-paragraph (1) is to the position for the period of 5 years beginning with the date of the reappointment.
- (3) This sub-paragraph applies if—
- (a) the member has declined to be reappointed,
 - (b) the member is ineligible for reappointment,
 - (c) the President of Tribunals has recommended to the Scottish Ministers that the member should not be reappointed.
- (4) In sub-paragraph (1), the reference to the period for which a position is held is to—
- (a) the period for which the position is held in accordance with paragraph 2 or 3, or
 - (b) any further period for which the position is held by virtue of reappointment in accordance with sub-paragraphs (1) and (2).
- (5) A reference in this paragraph to reappointment includes appointment at the end of a period for which a position is held by virtue of paragraph 2(2) as well as reappointment at the end of a period for which a position is held by virtue of any relevant appointment (or reappointment).

Commencement Information

II Sch. 7 para. 4 in force at 1.4.2015 by S.S.I. 2015/116, art. 2

- 5 For the purpose of paragraph 4(3)(b), a member is ineligible for reappointment only if the member would not be eligible for appointment to the position in accordance with the relevant provisions of schedule 3 or (as the case may be) schedule 5 were the member being appointed to the position for the first time.

Commencement Information

I2 Sch. 7 para. 5 in force at 1.4.2015 by S.S.I. 2015/116, art. 2

- 6 For the purpose of paragraph 4(3)(c), the President of Tribunals may recommend to the Scottish Ministers that a member should not be reappointed only if satisfied that—
- (a) the member has failed to comply with—
 - (i) any of the relevant terms and conditions of membership, or
 - (ii) any other requirement imposed on the member by or under this Act, or
 - (b) the Tribunal concerned no longer requires—
 - (i) a member with the qualifications, experience and training of that member, or

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(ii) the same number of members for the efficient disposal of its business.

Commencement Information

I3 Sch. 7 para. 6 in force at 1.4.2015 by S.S.I. 2015/116, art. 2

7 Reappointment by virtue of paragraph 4 is not subject to any process of appointment arising in relation to a position within the Scottish Tribunals by virtue of section 10(2A) of the Judiciary and Courts (Scotland) Act 2008.

Commencement Information

I4 Sch. 7 para. 7 in force at 1.4.2015 by S.S.I. 2015/116, art. 2

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