
SCOTTISH STATUTORY INSTRUMENTS

2018 No. 3

**The First-tier Tribunal for Scotland Health
and Education Chamber and Upper Tribunal
for Scotland (Composition) Regulations 2018**

Composition of First-tier Tribunal

2.—(1) Subject to paragraphs (2) to (4), the First-tier Tribunal, when convened at a hearing to decide any matter in a case, may consist of—

- (a) the Chamber President and two ordinary members; or
- (b) a legal member and two ordinary members.

(2) The First-tier Tribunal, when convened at a hearing to decide any matter in a case under section 18(3)(ea) or (eb) of the Education (Additional Support for Learning) (Scotland) Act 2004⁽¹⁾, may consist of only the Chamber President or a legal member.

(3) The First-tier Tribunal, when convened without a hearing (see rules 37 and 84 of [S.S.I. 2017/366](#)) to decide any matter in a case may consist of a legal member only.

(4) If, at or after the beginning of a hearing, a member of the First-tier Tribunal other than the legal member is absent, the hearing may, with the consent of the parties, be conducted by the legal member and the remaining member and in that event the First-tier Tribunal shall be deemed to be properly constituted, and the decision of the First-tier Tribunal shall be taken by the legal member and that member.

⁽¹⁾ [2004 asp 4](#). Sections 18(3)(ea) and (eb) were inserted by the Education (Scotland) Act 2016 ([2016 asp 8](#)), schedule 1, paragraph 16(c).