

Status: Point in time view as at 31/12/2023.

Changes to legislation: Tribunals, Courts and Enforcement Act 2007, Part 2 is up to date with all changes known to be in force on or before 19 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 5

PROCEDURE IN FIRST-TIER TRIBUNAL AND UPPER TRIBUNAL

PART 2

TRIBUNAL PROCEDURE COMMITTEE

Membership

- 20 The Tribunal Procedure Committee is to consist of—
- (a) the Senior President of Tribunals or a person nominated by him,
 - (b) the persons currently appointed by the Lord Chancellor under paragraph 21,
 - (c) the persons currently appointed by the Lord Chief Justice of England and Wales under paragraph 22,
 - (d) the person currently appointed by the Lord President of the Court of Session under paragraph 23, and
 - (e) any person currently appointed under paragraph 24 at the request of the Senior President of Tribunals.

Lord Chancellor's appointees

- 21 (1) The Lord Chancellor must appoint—
- (a) [^{F1}four] persons each of whom must be a person with experience of—
 - (i) practice in tribunals, or
 - (ii) advising persons involved in tribunal proceedings, ^{F2}...
 - ^{F2}(b)
- [^{F3}(1A) At least one of those persons must have experience of—
- (a) practice in employment tribunals and the Employment Appeal Tribunal, or
 - (b) advising persons involved in employment tribunal proceedings and the Employment Appeal Tribunal.]
- (2) Before making an appointment under sub-paragraph (1), the Lord Chancellor must consult the Lord Chief Justice of England and Wales.
- ^{F4}(3)

Textual Amendments

- F1** Word in Sch. 5 para. 21(1)(a) substituted (7.11.2023) by [Judicial Review and Courts Act 2022 \(c. 35\)](#), s. 51(4), [Sch. 5 para. 29\(2\)\(a\)](#); S.I. 2023/1194, reg. 2(f)

Status: Point in time view as at 31/12/2023.

Changes to legislation: Tribunals, Courts and Enforcement Act 2007, Part 2 is up to date with all changes known to be in force on or before 19 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- F2** Sch. 5 para. 21(1)(b) omitted (19.9.2013) by virtue of [The Public Bodies \(Abolition of Administrative Justice and Tribunals Council\) Order 2013 \(S.I. 2013/2042\)](#), art. 1(2), **Sch. para. 35(a)**
- F3** Sch. 5 para. 21(1A) inserted (7.11.2023) by [Judicial Review and Courts Act 2022 \(c. 35\)](#), s. 51(4), **Sch. 5 para. 29(2)(b)**; S.I. 2023/1194, reg. 2(f)
- F4** Sch. 5 para. 21(3) omitted (19.9.2013) by virtue of [The Public Bodies \(Abolition of Administrative Justice and Tribunals Council\) Order 2013 \(S.I. 2013/2042\)](#), art. 1(2), **Sch. para. 35(b)**

Lord Chief Justice's appointees

- 22 (1) The Lord Chief Justice of England and Wales must appoint—
- (a) one of the judges of the First-tier Tribunal,
 - (b) one of the judges of the Upper Tribunal, ^{F5}...
 - (c) one person who is a member of the First-tier Tribunal, or is a member of the Upper Tribunal, but is not a judge of the First-tier Tribunal and is not a judge of the Upper Tribunal [^{F6}, and
 - (d) one person who is a judge, or other member, of the Employment Appeal Tribunal or a member of a panel of members of employment tribunals (whether or not a panel of Employment Judges).]
- (2) Before making an appointment under sub-paragraph (1), the Lord Chief Justice of England and Wales must consult the Lord Chancellor.

Textual Amendments

- F5** Word in Sch. 5 para. 22(1) omitted (7.11.2023) by virtue of [Judicial Review and Courts Act 2022 \(c. 35\)](#), s. 51(4), **Sch. 5 para. 29(3)(a)**; S.I. 2023/1194, reg. 2(f)
- F6** Sch. 5 para. 22(1)(d) and word inserted (7.11.2023) by [Judicial Review and Courts Act 2022 \(c. 35\)](#), s. 51(4), **Sch. 5 para. 29(3)(b)**; S.I. 2023/1194, reg. 2(f)

Lord President's appointee

- 23 (1) The Lord President of the Court of Session must appoint one person with experience in and knowledge of the Scottish legal system.
- (2) Before making an appointment under sub-paragraph (1), the Lord President of the Court of Session must consult the Lord Chancellor.

Persons appointed at request of Senior President of Tribunals

- 24 (1) At the request of the Senior President of Tribunals, an appropriate senior judge may appoint a person or persons with experience in and knowledge of—
- (a) a particular issue, or
 - (b) a particular subject area in relation to which the First-tier Tribunal or the Upper Tribunal has, or is likely to have, jurisdiction,
- for the purpose of assisting the Committee with regard to that issue or subject area.
- (2) In sub-paragraph (1) “an appropriate senior judge” means any of—
- (a) the Lord Chief Justice of England and Wales,
 - (b) the Lord President of the Court of Session, and
 - (c) the Lord Chief Justice of Northern Ireland.

Status: Point in time view as at 31/12/2023.

Changes to legislation: Tribunals, Courts and Enforcement Act 2007, Part 2 is up to date with all changes known to be in force on or before 19 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (3) The total number of persons appointed at any time under sub-paragraph (1) must not exceed four.
- (4) Before making an appointment under sub-paragraph (1), the person making the appointment must consult the Lord Chancellor.
- (5) The terms of appointment of a person appointed under sub-paragraph (1) may (in particular) authorise him to act as a member of the Committee only in relation to matters specified by those terms.

Power to amend paragraphs 20 to 24

- 25 (1) The Lord Chancellor may by order—
- (a) amend any of paragraphs 20, 21(1), 22(1), 23(1) and 24(1), and
 - (b) make consequential amendments in any other provision of paragraphs 21 to 24 or in paragraph 28(7).
- (2) The making of an order under this paragraph—
- (a) requires the concurrence of the Lord Chief Justice of England and Wales,
 - (b) if the order amends paragraph 23(1), requires also the concurrence of the Lord President of the Court of Session, and
 - (c) if the order amends paragraph 24(1), requires also the concurrence of the Lord President of the Court of Session and the Lord Chief Justice of Northern Ireland.

Committee members' expenses

- 26 The Lord Chancellor may reimburse members of the Tribunal Procedure Committee their travelling and out-of-pocket expenses.

Status:

Point in time view as at 31/12/2023.

Changes to legislation:

Tribunals, Courts and Enforcement Act 2007, Part 2 is up to date with all changes known to be in force on or before 19 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.