

STATUTORY INSTRUMENTS

2008 No. 2692

TRIBUNALS AND INQUIRIES

The Qualifications for Appointment of Members to the First-tier Tribunal and Upper Tribunal Order 2008

<i>Made</i>	- - - -	<i>15th October 2008</i>
<i>Laid before Parliament</i>		<i>15th October 2008</i>
<i>Coming into force</i>	- -	<i>3rd November 2008</i>

The Lord Chancellor, with the concurrence of the Senior President of Tribunals, makes the following Order in exercise of the powers conferred by paragraph 2(2) of Schedule 2 and paragraph 2(2) of Schedule 3 to the Tribunals, Courts and Enforcement Act 2007 ^{F1}.

F1 2007 c. 15.

1.—^[F2(1)] This Order may be cited as the Qualifications for Appointment of Members to the First-tier Tribunal and Upper Tribunal Order 2008 and shall come into force on 3rd November 2008.

^[F3(2)] In this Order “registered medical practitioner” means a fully registered person within the meaning of the Medical Act 1983 whether or not they hold a licence to practise under that Act.]

F2 [Art. 1\(1\)](#): art. 1 renumbered as art. 1(1) (1.9.2009 art. 1(2)) by [Qualifications for Appointment of Members to the First-tier Tribunal and Upper Tribunal \(Amendment\) Order 2009 \(S.I. 2009/1592\)](#), [art. 3](#)

F3 [Art. 1\(2\)](#) inserted (1.9.2009 art. 1(2)) by [Qualifications for Appointment of Members to the First-tier Tribunal and Upper Tribunal \(Amendment\) Order 2009 \(S.I. 2009/1592\)](#), [art. 3](#)

2.—(1) A person is eligible for appointment as a member of the First-tier Tribunal or the Upper Tribunal who is not a judge of those tribunals if paragraph (2), (3) or (4) applies.

(2) This paragraph applies to a person who is—

- (a) a registered medical practitioner;
- (b) a registered nurse;
- (c) a registered dentist;

^[F4(ca)] a registered optometrist;]

- (d) a clinical psychologist;
 - (e) an educational psychologist;
 - (f) a pharmacologist;
 - (g) a veterinary surgeon or a veterinary practitioner registered under the Veterinary Surgeons Act 1966 ^{F5};
 - (h) a Member or Fellow of the Royal Institution of Chartered Surveyors; or
 - (i) an accountant who is a member of—
 - (i) the Institute of Chartered Accountants in England and Wales;
 - (ii) the Institute of Chartered Accountants in Scotland;
 - (iii) the Institute of Chartered Accountants in Ireland;
 - (iv) the Institute of Certified Public Accountants in Ireland;
 - (v) the Association of Chartered Certified Accountants;
 - (vi) the Chartered Institute of Management Accountants; or
 - (vii) the Chartered Institute of Public Finance and Accountancy.
- (3) This paragraph applies to a person, ^{F6}... who is experienced in dealing with the physical or mental needs of disabled persons because they—
- (a) work with disabled persons in a professional or voluntary capacity; or
 - (b) are themselves disabled.
- [^{F7}(3A) A person is not eligible for appointment under paragraph (3) if they are a registered medical practitioner.]
- (4) This paragraph applies to a person who has substantial experience—
- (a) of service in Her Majesty's naval, military, or air forces;
 - (b) of educational, child care, health, or social care matters;
 - (c) of dealing with victims of violent crime;
 - (d) in transport operations and its law and practice;
 - (e) in the regulatory field;
 - (f) in consumer affairs;
 - (g) in an industry, trade or business sector and the matters that are likely to arise as issues in the course of disputes with regulators of such industries, trades or businesses;
 - (h) in tax matters and related tax procedures;
 - (i) in a business, trade[^{F8}, charity] or not-for-profit organisation.
- [^{F9}(j) in immigration services or the law and procedure relating to immigration;
- (k) of data protection;
 - (l) of freedom of information (including environmental information) rights;
 - (m) of service as a Member or Senior Officer of a local authority in England.]
- [^{F10}(n) in environmental matters[^{F11};]]
- [^{F12}(o) in the drainage of land;
- (p) in farming and the ownership or management of agricultural property;
 - (q) in relation to housing or housing conditions;
 - (r) in matters relating to landlord and tenant relationships;

(s) in valuation]

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| F4 | Art. 2(2)(ca) inserted (1.9.2009) by Qualifications for Appointment of Members to the First-tier Tribunal and Upper Tribunal (Amendment) Order 2009 (S.I. 2009/1592) , arts. 1(1), 4(a) |
| F5 | 1966 c. 36 . |
| F6 | Words in art. 2(3) omitted (1.9.2009) by virtue of Qualifications for Appointment of Members to the First-tier Tribunal and Upper Tribunal (Amendment) Order 2009 (S.I. 2009/1592) , arts. 1(1), 4(b) |
| F7 | Art. 2(3A) added (1.9.2009) by Qualifications for Appointment of Members to the First-tier Tribunal and Upper Tribunal (Amendment) Order 2009 (S.I. 2009/1592) , arts. 1(1), 4(c) |
| F8 | Word in art. 2(4)(i) inserted (1.9.2009) by Qualifications for Appointment of Members to the First-tier Tribunal and Upper Tribunal (Amendment) Order 2009 (S.I. 2009/1592) , arts. 1(1), 4(d) |
| F9 | Art. 2(4)(j)-(m) inserted (1.9.2009) by Qualifications for Appointment of Members to the First-tier Tribunal and Upper Tribunal (Amendment) Order 2009 (S.I. 2009/1592) , arts. 1(1), 4(e) |
| F10 | Art. 2(4)(n) inserted (16.4.2012) by The Qualifications for Appointment of Members to the First-tier Tribunal and Upper Tribunal (Amendment) Order 2012 (S.I. 2012/897) , arts. 1 , 3 |
| F11 | Art. 2(4)(n) semi-colon inserted (1.7.2013) by The Qualifications for Appointment of Members to the First-tier Tribunal and Upper Tribunal (Amendment) Order 2013 (S.I. 2013/1185) , arts. 1 , 3 |
| F12 | Art. 2(4)(o)-(s) inserted (1.7.2013) by The Qualifications for Appointment of Members to the First-tier Tribunal and Upper Tribunal (Amendment) Order 2013 (S.I. 2013/1185) , arts. 1 , 3 |

Signed by the authority of the Lord Chancellor

Ministry of Justice

Bridget Prentice
Parliamentary Under Secretary of State

I concur,

Robert Carnwath
Senior President of Tribunals

Status: Point in time view as at 01/07/2013.

Changes to legislation: There are currently no known outstanding effects for the *The Qualifications for Appointment of Members to the First-tier Tribunal and Upper Tribunal Order 2008*. (See end of Document for details)

EXPLANATORY NOTE

(This note is not part of the Order)

This Order sets out the qualifications or experience that a person must have in order to be eligible for appointment as a member of the First-tier Tribunal or Upper Tribunal who is not a judge of the tribunal.

Status:

Point in time view as at 01/07/2013.

Changes to legislation:

There are currently no known outstanding effects for the The Qualifications for Appointment of Members to the First-tier Tribunal and Upper Tribunal Order 2008.