



Tribunals (Scotland) Act 2014

2014 asp 10

PART 2

ORGANISATIONAL ARRANGEMENTS

CHAPTER 1

MEMBERSHIP TYPES

Overview and main types

13 Overview of membership

- (1) Each of the First-tier Tribunal and the Upper Tribunal is to consist of its ordinary, legal and judicial members.
- (2) Any type of member of the First-tier Tribunal or the Upper Tribunal is not, merely by reason of having that type of membership of the Tribunal, precluded from having any type of membership of the other Tribunal.
- (3) In this Act, the references to the members of the Scottish Tribunals are to—
 - (a) the ordinary and legal members of either or both of the Tribunals by virtue of sections 15 and 16, and
 - (b) the judicial members of either or both of the Tribunals by virtue of section 17 as read with section 19.

Modifications etc. (not altering text)

- C1** S. 13(3) applied by 2008 asp 6 sch. 1 para. 16A(8) (as inserted (1.4.2015) by [Tribunals \(Scotland\) Act 2014 \(asp 10\)](#), s. 83(2), **Sch. 9 para. 12(5)** (with Sch. 9 para. 8); S.S.I. 2015/116, art. 2)

Commencement Information

- I1** S. 13 in force at 1.4.2015 by [S.S.I. 2015/116](#), art. 2

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

14 Capacity of members

- (1) Membership of the Scottish Tribunals as an ordinary or legal member of the Tribunals has the effect of granting such a member judicial status and capacity for the purpose for which this section makes provision.
- (2) For avoidance of doubt—
 - (a) a judicial member of the Scottish Tribunals has judicial status and capacity for the purpose for which this section makes provision by reason of holding judicial office,
 - (b) an extra judge derives judicial status and capacity in relation to [F1the First-tier Tribunal or the Upper Tribunal (as the case may be)] for the purpose for which this section makes provision from authorisation to act as mentioned in section 18(4).
- (3) This section makes provision—
 - (a) in the case of an ordinary, legal or judicial member of the Scottish Tribunals, for the purpose of holding the position of and acting as such a member,
 - (b) in the case of an extra judge of [F2the First-tier Tribunal or] the Upper Tribunal, for the purpose of holding that position and acting as mentioned in section 18(4).

Textual Amendments

- F1** Words in s. 14(2)(b) substituted (13.5.2022) by [Social Security Administration and Tribunal Membership \(Scotland\) Act 2020 \(asp 18\), ss. 16\(2\)\(a\), 18\(2\)\(3\); S.S.I. 2022/146, reg. 2](#)
- F2** Words in s. 14(3)(b) inserted (13.5.2022) by [Social Security Administration and Tribunal Membership \(Scotland\) Act 2020 \(asp 18\), ss. 16\(2\)\(b\), 18\(2\)\(3\); S.S.I. 2022/146, reg. 2](#)

Commencement Information

- I2** S. 14 in force at 1.4.2015 by [S.S.I. 2015/116, art. 2](#)

15 First-tier members

- (1) A person is an ordinary member of the First-tier Tribunal if the person is that type of member of the First-tier Tribunal through—
 - (a) transfer-in as such by virtue of section 29(b), or
 - (b) appointment as such by virtue of section 32(1).
- (2) A person is a legal member of the First-tier Tribunal if the person is—
 - (a) that type of member of the First-tier Tribunal through—
 - (i) transfer-in as such by virtue of section 29(b), or
 - (ii) appointment as such by virtue of section 32(1), or
 - (b) however holding the position, a Chamber President or Deputy Chamber President in the First-tier Tribunal.
- (3) Despite subsection (2)(b), a person assigned as a Temporary Chamber President in the First-tier Tribunal, if a judicial member of the Tribunal, remains such a member of the Tribunal.

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

Commencement Information

I3 [S. 15](#) in force at 1.4.2015 by [S.S.I. 2015/116](#), [art. 2](#)

16 Upper members

- (1) A person is an ordinary member of the Upper Tribunal if the person is that type of member of the Upper Tribunal through—
 - (a) transfer-in as such by virtue of section 29(b), or
 - (b) appointment as such by virtue of section 32(3).
- (2) A person is a legal member of the Upper Tribunal if the person is—
 - (a) that type of member of the Upper Tribunal through—
 - (i) transfer-in as such by virtue of section 29(b), or
 - (ii) appointment as such by virtue of section 32(3),
 - (b) however holding the position, a Chamber President in the First-tier Tribunal except a Temporary Chamber President, or
 - (c) however holding the position, a Vice-President of the Upper Tribunal.
- (3) Despite subsection (2)(c)—
 - (a) a person assigned as a Vice-President of the Upper Tribunal under section 25(1) or (2) remains a judicial member of the Tribunal,
 - (b) a person assigned as a Temporary Vice-President of the Upper Tribunal, if a judicial member of the Tribunal, remains such a member of the Tribunal.

Commencement Information

I4 [S. 16](#) in force at 1.4.2015 by [S.S.I. 2015/116](#), [art. 2](#)

Changes to legislation:

There are currently no known outstanding effects for the Tribunals (Scotland) Act 2014, Cross
Heading: Overview and main types.