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## SCHEDULES

### SCHEDULE 4

#### CHAMBERS AND CHAMBER PRESIDENTS: FURTHER PROVISION

##### PART 2

#### JUDGES AND OTHER MEMBERS OF CHAMBERS: ASSIGNMENT AND JURISDICTION

##### *Assignment is function of Senior President of Tribunals*

- 9 (1) The Senior President of Tribunals has—
- (a) the function of assigning judges and other members of the First-tier Tribunal (including himself) to chambers of the First-tier Tribunal, and
  - (b) the function of assigning judges and other members of the Upper Tribunal (including himself) to chambers of the Upper Tribunal.
- (2) The functions under sub-paragraph (1) are to be exercised in accordance with the following provisions of this Part of this Schedule.

##### *Deemed assignment of Chamber Presidents and Deputy Chamber Presidents*

- 10 (1) The Chamber President, or a Deputy Chamber President, of a chamber—
- (a) is to be taken to be assigned to that chamber;
  - (b) may be assigned additionally to one or more of the other chambers;
  - (c) may be assigned under paragraph (b) to different chambers at different times.
- (2) Paragraphs 11(1) and (2) and 12(2) and (3) do not apply to assignment of a person who is a Chamber President or a Deputy Chamber President.
- (3) In sub-paragraph (1) “chamber” means chamber of the First-tier Tribunal or the Upper Tribunal.

##### *Assigning members of First-tier Tribunal to its chambers*

- 11 (1) Each person who is a judge or other member of the First-tier Tribunal by virtue of appointment under paragraph 1(1) or 2(1) of Schedule 2 or who is a transferred-in judge, or transferred-in other member, of the First-tier Tribunal—
- (a) is to be assigned to at least one of the chambers of the First-tier Tribunal, and
  - (b) may be assigned to different chambers of the First-tier Tribunal at different times.
- (2) A judge or other member of the First-tier Tribunal to whom sub-paragraph (1) does not apply—
- (a) may be assigned to one or more of the chambers of the First-tier Tribunal, and

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- (b) may be assigned to different chambers of the First-tier Tribunal at different times.
- (3) The Senior President of Tribunals may assign a judge or other member of the First-tier Tribunal to a particular chamber of the First-tier Tribunal only with the concurrence—
  - (a) of the Chamber President of the chamber, and
  - (b) of the judge or other member.
- (4) The Senior President of Tribunals may end the assignment of a judge or other member of the First-tier Tribunal to a particular chamber of the First-tier Tribunal only with the concurrence of the Chamber President of the chamber.
- (5) Sub-paragraph (3)(a) does not apply where the judge, or other member, concerned is not assigned to any of the chambers of the First-tier Tribunal.
- (6) Sub-paragraphs (3)(a) and (4) do not apply where the judge concerned is within section 6(1)(a) to (d) (judges of Courts of Appeal, Court of Session and High Courts).
- (7) Sub-paragraphs (3) and (4) do not apply where the judge concerned is the Senior President of Tribunals himself.

*Assigning members of Upper Tribunal to its chambers*

- 12 (1) Sub-paragraph (2) applies to a person if—
- (a) he is a judge of the Upper Tribunal by virtue of appointment under paragraph 1(1) of Schedule 3, or
  - (b) he is a transferred-in judge of the Upper Tribunal, or
  - (c) he is a deputy judge of the Upper Tribunal, or
  - (d) he is a member of the Upper Tribunal by virtue of appointment under paragraph 2(1) of Schedule 3, or
  - (e) he is a transferred-in other member of the Upper Tribunal.
- (2) Each person to whom this sub-paragraph applies—
- (a) is to be assigned to at least one of the chambers of the Upper Tribunal, and
  - (b) may be assigned to different chambers of the Upper Tribunal at different times.
- (3) A judge or other member of the Upper Tribunal to whom sub-paragraph (2) does not apply—
- (a) may be assigned to one or more of the chambers of the Upper Tribunal, and
  - (b) may be assigned to different chambers of the Upper Tribunal at different times.
- (4) The Senior President of Tribunals may assign a judge or other member of the Upper Tribunal to a particular chamber of the Upper Tribunal only with the concurrence—
- (a) of the Chamber President of the chamber, and
  - (b) of the judge or other member.
- (5) The Senior President of Tribunals may end the assignment of a judge or other member of the Upper Tribunal to a particular chamber of the Upper Tribunal only with the concurrence of the Chamber President of the chamber.

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- (6) Sub-paragraph (4)(a) does not apply where the judge, or other member, concerned is not assigned to any of the chambers of the Upper Tribunal.
- (7) Sub-paragraphs (4)(a) and (5) do not apply where the judge concerned is within section 6(1)(a) to (d) (judges of Courts of Appeal, Court of Session and High Courts).
- (8) Sub-paragraphs (4) and (5) do not apply where the judge concerned is the Senior President of Tribunals himself.

*Policy of Senior President of Tribunals as respects assigning members to chambers etc.*

- 13 (1) The Senior President of Tribunals must publish a document recording the policy adopted by him in relation to—
- (a) the assigning of persons to chambers in exercise of his functions under paragraph 9,
  - (b) <sup>F1</sup> . . . and
  - (c) the nominating of persons to act as members of panels of members of employment tribunals in exercise of his functions under any such provision as is mentioned in section 5D(1) of the Employment Tribunals Act 1996 (c. 17).
- (2) That policy must be such as to secure—
- (a) that appropriate use is made of the knowledge and experience of the judges and other members of the First-tier Tribunal and Upper Tribunal, and
  - (b) that, in the case of a chamber (of the First-tier Tribunal or Upper Tribunal) whose business consists of, or includes, cases likely to involve the application of the law of Scotland or Northern Ireland, sufficient knowledge and experience of that law is to be found among persons assigned to the chamber.
- (3) No policy may be adopted by the Senior President of Tribunals for the purposes of sub-paragraph (1) unless the Lord Chancellor concurs in the policy.
- (4) The Senior President of Tribunals must keep any policy adopted for the purposes of sub-paragraph (1) under review.

**Textual Amendments**

**F1** Words in Sch. 4 para. 13(1)(b) omitted (15.2.2010) by virtue of [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\)](#), **Sch. 1 para. 47(b)** (with Sch. 4)

*Choosing members to decide cases*

- 14 (1) The First-tier Tribunal's function, or the Upper Tribunal's function, of deciding any matter in a case before the tribunal is to be exercised by a member or members of the chamber of the tribunal to which the case is allocated.
- (2) The member or members must be chosen by the Senior President of Tribunals.
- (3) A person choosing under sub-paragraph (2)—
- (a) must act in accordance with any provision under paragraph 15;
  - (b) may choose himself.

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- (4) In this paragraph “member”, in relation to a chamber of a tribunal, means a judge or other member of the tribunal who is assigned to the chamber.

*Composition of tribunals*

- 15 (1) The Lord Chancellor must by order make provision, in relation to every matter that may fall to be decided by the First-tier Tribunal or the Upper Tribunal, for determining the number of members of the tribunal who are to decide the matter.
- (2) Where an order under sub-paragraph (1) provides for a matter to be decided by a single member of a tribunal, the order—
- (a) must make provision for determining whether the matter is to be decided by one of the judges, or by one of the other members, of the tribunal, and
  - (b) may make provision for determining, if the matter is to be decided by one of the other members of the tribunal, what qualifications (if any) that other member must have.
- (3) Where an order under sub-paragraph (1) provides for a matter to be decided by two or more members of a tribunal, the order—
- (a) must make provision for determining how many (if any) of those members are to be judges of the tribunal and how many (if any) are to be other members of the tribunal, and
  - (b) may make provision for determining—
    - (i) if the matter is to be decided by persons who include one or more of the other members of the tribunal, or
    - (ii) if the matter is to be decided by two or more of the other members of the tribunal,
 what qualifications (if any) that other member or any of those other members must have.
- (4) A duty under sub-paragraph (1), (2) or (3) to provide for the determination of anything may be discharged by providing for the thing to be determined by the Senior President of Tribunals, or a Chamber President, in accordance with any provision made under that sub-paragraph.
- (5) Power under paragraph (b) of sub-paragraph (2) or (3) to provide for the determination of anything may be exercised by giving, to the Senior President of Tribunals or a Chamber President, power to determine that thing in accordance with any provision made under that paragraph.
- (6) Where under sub-paragraphs (1) to (4) a matter is to be decided by two or more members of a tribunal, the matter may, if the parties to the case agree, be decided in the absence of one or more (but not all) of the members chosen to decide the matter.
- (7) Where the member, or any of the members, of a tribunal chosen to decide a matter does not have any qualification that he is required to have under sub-paragraphs (2) (b), or (3)(b), and (5), the matter may despite that, if the parties to the case agree, be decided by the chosen member or members.
- (8) Before making an order under this paragraph, the Lord Chancellor must consult the Senior President of Tribunals.
- (9) In this paragraph “qualification” includes experience.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13(8)(bza) inserted by [2022 c. 36 s. 23\(2\)](#)
- s. 13(8)(bzb) inserted by [2022 c. 36 s. 24\(9\)](#)
- s. 16(3)(a) word inserted by [2015 c. 2 s. 85\(3\)\(a\)](#)
- s. 16(3)(b) and word inserted by [2015 c. 2 s. 85\(3\)\(b\)](#)
- s. 16(3A)(3B) inserted by [2015 c. 2 s. 85\(4\)](#)
- s. 22(6) inserted by [2022 c. 35 Sch. 4 para. 4\(2\)](#)
- s. 23(8) inserted by [2022 c. 35 Sch. 4 para. 4\(3\)](#)
- s. 25A inserted by [2022 c. 36 s. 80\(1\)](#)
- s. 29(3A) inserted by [2022 c. 36 s. 81\(6\)](#)
- Sch. 5 para. 11A and cross-heading inserted by [2022 c. 36 s. 80\(2\)](#)
- Sch. 7 para. 6(1)(e) words substituted by [2013 c. 22 Sch. 14 para. 13\(2\)](#) (Sch. 7 was already repealed when this amendment came into force)
- Sch. 7 para. 6(4)(b) words substituted by [2013 c. 22 Sch. 14 para. 13\(2\)](#) (Sch. 7 was already repealed when this amendment came into force)