

SCHEDULES

SCHEDULE 2

Section 56(2).

THE IMMIGRATION APPEAL TRIBUNAL

Members

- 1 (1) The members of the Tribunal are to be appointed by the Lord Chancellor.
- (2) The Lord Chancellor may appoint such number of legally qualified members and of other members as he considers appropriate.
- (3) A person is legally qualified if—
 - (a) he has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;
 - (b) he is an advocate or solicitor in Scotland of at least 7 years' standing;
 - (c) he is a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 7 years' standing; or
 - (d) he has such legal and other experience as appears to the Lord Chancellor to make him suited for appointment as a legally qualified member.

President and Deputy President

- 2 (1) The Lord Chancellor must appoint one legally qualified member to be President of the Tribunal and another such member to be Deputy President.
- (2) The Deputy President is to have such functions in relation to the Tribunal as the President may assign to him.
- (3) If the President is temporarily absent or otherwise unable to act, the Deputy President may act on his behalf.

Term of office

- 3 (1) Each member of the Tribunal—
 - (a) is to hold and vacate his office in accordance with the terms of his appointment;
 - (b) is, on ceasing to hold office, eligible for re-appointment;
 - (c) may resign his office at any time by giving written notice to the Lord Chancellor;
 - (d) must vacate his office on the day on which he reaches the age of 70.
- (2) But sub-paragraph (1)(d) is subject to subsections (4) to (6) of section 26 of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).

Status: This is the original version (as it was originally enacted).

Remuneration

- 4 The Lord Chancellor must pay to the members such remuneration and allowances as he may determine.

Compensation

- 5 If a person ceases to be a member and it appears to the Lord Chancellor that there are special circumstances which make it right that he should receive compensation, the Lord Chancellor may pay him a sum of such amount as the Lord Chancellor may determine.

Proceedings

- 6 (1) For the purpose of hearing and determining appeals under this Act or any matter preliminary or incidental to such an appeal, the Tribunal must sit at such times and in such place or places as the Lord Chancellor may direct.
- (2) The Tribunal may sit in two or more divisions.
- (3) The jurisdiction of the Tribunal may be exercised by such number of members as the President may direct.
- (4) A direction under sub-paragraph (3) may—
- (a) be given in relation to a specified case or category of case;
- (b) provide for the jurisdiction to be exercised by a single member;
- (c) require the member exercising the jurisdiction, or a specified number of the members exercising the jurisdiction, to be legally qualified;
- (d) be varied at any time by a further direction given by the President.
- (5) “Specified” means specified in the direction.

Staff

- 7 (1) The Lord Chancellor may appoint such staff for the Tribunal as he may determine.
- (2) The remuneration of the Tribunal’s staff is to be defrayed by the Lord Chancellor.
- (3) Such expenses of the Tribunal as the Lord Chancellor may determine are to be defrayed by the Lord Chancellor.