Nationality, Immigration and Asylum Act 2002 (c. 41)
SCHEDULE 5 – The Immigration Appeal Tribunal
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S C H E D U L E S

SCHEDULE 5   Section 100

THE IMMIGRATION APPEAL TRIBUNAL

Membership

1   The Lord Chancellor shall appoint the members of the Tribunal.

2   (1) A member—
           (a)   may resign by notice in writing to the Lord Chancellor,
           (b)   shall cease to be a member on reaching the age of 70, and
           (c)   otherwise, shall hold and vacate office in accordance with the terms of his appointment.

           (2) Sub-paragraph (1)(b) is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (c. 8) (extension to age 75).

Presidency

3   The Lord Chancellor shall appoint as President of the Tribunal a member who holds or has held high judicial office within the meaning of the Appellate Jurisdiction Act 1876 (c. 59).

4   (1) The Lord Chancellor shall appoint one legally qualified member of the Tribunal as its Deputy President.

           (2) The Deputy President—
           (a)   may act for the President if the President is unable to act or unavailable, and
           (b)   shall perform such functions as the President may delegate or assign to him.

Proceedings

5   The Tribunal shall sit at times and places determined by the Lord Chancellor.

6   The Tribunal may sit in more than one division.

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7   (1) The jurisdiction of the Tribunal may be exercised by such number of its members as the President may direct.

       (2) A direction under this sub-paragraph—
            (a)   may relate to specified proceedings or proceedings of a specified kind,
            (b)   may enable jurisdiction to be exercised by a single member,
            (c)   may require the member hearing proceedings, or a specified number of the members hearing proceedings, to be legally qualified, and
            (d)   may be varied or revoked by a further direction.

Staff

8   The Lord Chancellor may appoint staff for the Tribunal.

Money

9   The Lord Chancellor—
            (a)   may pay remuneration and allowances to members of the Tribunal,
            (b)   may pay remuneration and allowances to staff of the Tribunal, and
            (c)   may defray expenses of the Tribunal.

10   The Lord Chancellor may pay compensation to a person who ceases to be a member of the Tribunal if the Lord Chancellor thinks it appropriate because of special circumstances.

Interpretation: legally qualified member

11   (1) For the purpose of this Schedule a member of the Tribunal is legally qualified if he—
            (a)   has a seven year general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990 (c. 41),
            (b)   is an advocate or solicitor in Scotland of at least seven years' standing,
            (c)   is a member of the Bar of Northern Ireland, or a solicitor of the Supreme Court of Northern Ireland, of at least seven years' standing, or
            (d)   is appointed by the Lord Chancellor as a legally qualified member.

       (2) A person may be appointed by the Lord Chancellor under sub-paragraph (1)(d) only if he has legal or other experience which in the Lord Chancellor's opinion makes him suitable for appointment as a legally qualified member.

Status:
Point in time view as at 01/04/2003.

Changes to legislation:
Nationality, Immigration and Asylum Act 2002, SCHEDULE 5 is up to date with all changes known to be in force on or before 27 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.