

*Status: Point in time view as at 04/04/2005.*

*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 03 July 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. (See end of Document for details)*

## SCHEDULES

### <sup>F1</sup>SCHEDULE 5

#### Textual Amendments

- F1** Sch. 5 repealed (4.4.2005) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\)](#), ss. 26(5)(b), 47, 48(1)-(3), [Sch. 4](#); S.I. 2005/565, [art. 2](#) (with savings in arts. 3-9)

#### *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.

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- 6 The Tribunal may sit in more than one division.
- 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.

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