

SCHEDULES

SCHEDULE 3

Section 8

THE CHARITY TRIBUNAL

1 After Schedule 1A to the 1993 Act (inserted by Schedule 1 to this Act) insert—

“SCHEDULE 1B

Section 2A(3)

THE CHARITY TRIBUNAL

Membership

- 1 (1) The Tribunal shall consist of the President and its other members.
- (2) The Lord Chancellor shall appoint—
 - (a) a President of the Tribunal,
 - (b) legal members of the Tribunal, and
 - (c) ordinary members of the Tribunal.
- (3) A person may be appointed as the President or a legal member of the Tribunal only if he has a seven year general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990.
- (4) A person may be appointed as an ordinary member of the Tribunal only if he appears to the Lord Chancellor to have appropriate knowledge or experience relating to charities.

Deputy President

- 2 (1) The Lord Chancellor may appoint a legal member as deputy President of the Tribunal.
- (2) The deputy President—
 - (a) may act for the President when he is unable to act or unavailable, and
 - (b) shall perform such other functions as the President may delegate or assign to him.

Terms of appointment

- 3 (1) The members of the Tribunal shall hold and vacate office as such in accordance with the terms of their respective appointments.
- (2) A person holding office as a member of the Tribunal—
 - (a) may resign that office by giving notice in writing to the Lord Chancellor, and

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- (b) may be removed from office by the Lord Chancellor on the ground of incapacity or misbehaviour.
- (3) A previous appointment of a person as a member of the Tribunal does not affect his eligibility for re-appointment as a member of the Tribunal.

Retirement etc.

- 4 (1) A person shall not hold office as a member of the Tribunal after reaching the age of 70.
- (2) Section 26(5) and (6) of the Judicial Pensions and Retirement Act 1993 (extension to age 75) apply in relation to a member of the Tribunal as they apply in relation to a holder of a relevant office.

Remuneration etc.

- 5 (1) The Lord Chancellor may pay to the members of the Tribunal such remuneration, and such other allowances, as he may determine.
- (2) The Lord Chancellor may—
 - (a) pay such pension, allowances or gratuities as he may determine to or in respect of a person who is or has been a member of the Tribunal, or
 - (b) make such payments as he may determine towards provision for the payment of a pension, allowances or gratuities to or in respect of such a person.
- (3) If the Lord Chancellor determines that there are special circumstances which make it right for a person ceasing to hold office as a member of the Tribunal to receive compensation, the Lord Chancellor may pay to him a sum by way of compensation of such amount as may be determined by the Lord Chancellor.

Staff and facilities

- 6 The Lord Chancellor may make staff and facilities available to the Tribunal.

Panels

- 7 (1) The functions of the Tribunal shall be exercised by panels of the Tribunal.
- (2) Panels of the Tribunal shall sit at such times and in such places as the President may direct.
- (3) Before giving a direction under sub-paragraph (2) above the President shall consult the Lord Chancellor.
- (4) More than one panel may sit at a time.
- 8 (1) The President shall make arrangements for determining which of the members of the Tribunal are to constitute a panel of the Tribunal in relation to the exercise of any function.

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- (2) Those arrangements shall, in particular, ensure that each panel is constituted in one of the following ways—
- (a) as the President sitting alone,
 - (b) as a legal member sitting alone,
 - (c) as the President sitting with two other members,
 - (d) as a legal member sitting with two other members,
 - (e) as the President sitting with one other member,
 - (f) as a legal member sitting with one other member,
- (and references in paragraphs (d) and (f) to other members do not include the President).
- (3) The President shall publish arrangements made under this paragraph.

Practice and procedure

- 9 (1) Decisions of the Tribunal may be taken by majority vote.
- (2) In the case of a panel constituted in accordance with paragraph 8(2)(e), the President shall have a casting vote.
- (3) In the case of a panel constituted in accordance with paragraph 8(2)(f) which consists of a legal member and an ordinary member, the legal member shall have a casting vote.
- (4) The President shall make and publish arrangements as to who is to have a casting vote in the case of a panel constituted in accordance with paragraph 8(2)(f) which consists of two legal members.
- 10 The President may, subject to rules under section 2B of this Act, give directions about the practice and procedure of the Tribunal.”

House of Commons Disqualification Act 1975 (c. 24)

- 2 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified) insert at the appropriate place—
- “The Charity Tribunal.”

Northern Ireland Assembly Disqualification Act 1975 (c. 25)

- 3 In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies of which all members are disqualified) insert at the appropriate place—
- “The Charity Tribunal.”

Courts and Legal Services Act 1990 (c. 41)

- 4 In Schedule 11 to the Courts and Legal Services Act 1990 (judges etc. barred from legal practice) insert at the end—
- “President or other member of the Charity Tribunal”.

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Tribunals and Inquiries Act 1992 (c. 53)

- 5 In Part 1 of Schedule 1 to the Tribunals and Inquiries Act 1992 (tribunals under general supervision of Council) before paragraph 7 insert—

“Charities

6A. The Charity Tribunal constituted under section 2A of, and Schedule 1B to, the Charities Act 1993.”
