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# Tribunals, Courts and Enforcement Act 2007

## 2007 CHAPTER 15

### PART 1

#### TRIBUNALS AND INQUIRIES

#### CHAPTER 2

#### FIRST-TIER TRIBUNAL AND UPPER TRIBUNAL

#### *Members and composition of tribunals*

VALID FROM 03/11/2008

#### **4 Judges and other members of the First-tier Tribunal**

- (1) A person is a judge of the First-tier Tribunal if the person—
  - (a) is a judge of the First-tier Tribunal by virtue of appointment under paragraph 1(1) of Schedule 2,
  - (b) is a transferred-in judge of the First-tier Tribunal (see section 31(2)),
  - (c) is a judge of the Upper Tribunal,
  - (d) is a member of the Asylum and Immigration Tribunal appointed under paragraph 2(1)(a) to (d) of Schedule 4 to the Nationality, Immigration and Asylum Act 2002 (c. 41) (legally qualified members) and is not a judge of the Upper Tribunal, or
  - (e) is a member of a panel of chairmen of employment tribunals.
- (2) A person is also a judge of the First-tier Tribunal, but only as regards functions of the tribunal in relation to appeals such as are mentioned in subsection (1) of section 5 of

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the Criminal Injuries Compensation Act 1995 (c. 53), if the person is an adjudicator appointed under that section by the Scottish Ministers.

- (3) A person is one of the other members of the First-tier Tribunal if the person—
- (a) is a member of the First-tier Tribunal by virtue of appointment under paragraph 2(1) of Schedule 2,
  - (b) is a transferred-in other member of the First-tier Tribunal (see section 31(2)),
  - (c) is one of the other members of the Upper Tribunal, or
  - (d) is a member of a panel of members of employment tribunals that is not a panel of chairmen of employment tribunals.
- (4) Schedule 2—
- contains provision for the appointment of persons to be judges or other members of the First-tier Tribunal, and
- makes further provision in connection with judges and other members of the First-tier Tribunal.

VALID FROM 03/11/2008

## 5 Judges and other members of the Upper Tribunal

- (1) A person is a judge of the Upper Tribunal if the person—
- (a) is the Senior President of Tribunals,
  - (b) is a judge of the Upper Tribunal by virtue of appointment under paragraph 1(1) of Schedule 3,
  - (c) is a transferred-in judge of the Upper Tribunal (see section 31(2)),
  - (d) is a member of the Asylum and Immigration Tribunal appointed under paragraph 2(1)(a) to (d) of Schedule 4 to the Nationality, Immigration and Asylum Act 2002 (c. 41) (legally qualified members) who—
    - (i) is the President or a Deputy President of that tribunal, or
    - (ii) has the title Senior Immigration Judge but is neither the President nor a Deputy President of that tribunal,
  - (e) is the Chief Social Security Commissioner, or any other Social Security Commissioner, appointed under section 50(1) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8),
  - (f) is a Social Security Commissioner appointed under section 50(2) of that Act (deputy Commissioners),
  - (g) is within section 6(1),
  - (h) is a deputy judge of the Upper Tribunal (whether under paragraph 7 of Schedule 3 or under section 31(2)), or
  - (i) is a Chamber President or a Deputy Chamber President, whether of a chamber of the Upper Tribunal or of a chamber of the First-tier Tribunal, and does not fall within any of paragraphs (a) to (h).
- (2) A person is one of the other members of the Upper Tribunal if the person—
- (a) is a member of the Upper Tribunal by virtue of appointment under paragraph 2(1) of Schedule 3,
  - (b) is a transferred-in other member of the Upper Tribunal (see section 31(2)),

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- (c) is a member of the Employment Appeal Tribunal appointed under section 22(1)(c) of the Employment Tribunals Act 1996 (c. 17), or
  - (d) is a member of the Asylum and Immigration Tribunal appointed under paragraph 2(1)(e) of Schedule 4 to the Nationality, Immigration and Asylum Act 2002 (members other than “legally qualified members”).
- (3) Schedule 3—
- contains provision for the appointment of persons to be judges (including deputy judges), or other members, of the Upper Tribunal, and makes further provision in connection with judges and other members of the Upper Tribunal.

VALID FROM 03/11/2008

## **6 Certain judges who are also judges of First-tier Tribunal and Upper Tribunal**

- (1) A person is within this subsection (and so, by virtue of sections 4(1)(c) and 5(1)(g), is a judge of the First-tier Tribunal and of the Upper Tribunal) if the person—
- (a) is an ordinary judge of the Court of Appeal in England and Wales (including the vice-president, if any, of either division of that Court),
  - (b) is a Lord Justice of Appeal in Northern Ireland,
  - (c) is a judge of the Court of Session,
  - (d) is a puisne judge of the High Court in England and Wales or Northern Ireland,
  - (e) is a circuit judge,
  - (f) is a sheriff in Scotland,
  - (g) is a county court judge in Northern Ireland,
  - (h) is a district judge in England and Wales or Northern Ireland, or
  - (i) is a District Judge (Magistrates' Courts).
- (2) References in subsection (1)(c) to (i) to office-holders do not include deputies or temporary office-holders.

## **7 Chambers: jurisdiction and Presidents**

- (1) The Lord Chancellor may, with the concurrence of the Senior President of Tribunals, by order make provision for the organisation of each of the First-tier Tribunal and the Upper Tribunal into a number of chambers.
- (2) There is—
- (a) for each chamber of the First-tier Tribunal, and
  - (b) for each chamber of the Upper Tribunal,
- to be a person, or two persons, to preside over that chamber.
- (3) A person may not at any particular time preside over more than one chamber of the First-tier Tribunal and may not at any particular time preside over more than one chamber of the Upper Tribunal (but may at the same time preside over one chamber of the First-tier Tribunal and over one chamber of the Upper Tribunal).

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- (4) A person appointed under this section to preside over a chamber is to be known as a Chamber President.
- (5) Where two persons are appointed under this section to preside over the same chamber, any reference in an enactment to the Chamber President of the chamber is a reference to a person appointed under this section to preside over the chamber.
- (6) The Senior President of Tribunals may (consistently with subsections (2) and (3)) appoint a person who is the Chamber President of a chamber to preside instead, or to preside also, over another chamber.
- (7) The Lord Chancellor may (consistently with subsections (2) and (3)) appoint a person who is not a Chamber President to preside over a chamber.
- (8) Schedule 4 (eligibility for appointment under subsection (7), appointment of Deputy Chamber Presidents and Acting Chamber Presidents, assignment of judges and other members of the First-tier Tribunal and Upper Tribunal, and further provision about Chamber Presidents and chambers) has effect.
- (9) Each of the Lord Chancellor and the Senior President of Tribunals may, with the concurrence of the other, by order—
- (a) make provision for the allocation of the First-tier Tribunal's functions between its chambers;
  - (b) make provision for the allocation of the Upper Tribunal's functions between its chambers;
  - (c) amend or revoke any order made under this subsection.

#### Commencement Information

- II** S. 7 wholly in force at 3.11.2008; s. 7 not in force at Royal Assent see s. 148; s. 7(1)(9) in force at 19.9.2007 by [S.I. 2007/2709](#), [art. 2\(a\)](#); s. 7(2)-(8) in force at 3.11.2008 by [S.I. 2008/2696](#), {art. 5(a)}

VALID FROM 03/11/2008

#### **8 Senior President of Tribunals: power to delegate**

- (1) The Senior President of Tribunals may delegate any function he has in his capacity as Senior President of Tribunals—
- (a) to any judge, or other member, of the Upper Tribunal or First-tier Tribunal;
  - (b) to staff appointed under section 40(1).
- (2) Subsection (1) does not apply to functions of the Senior President of Tribunals under section 7(9).
- (3) A delegation under subsection (1) is not revoked by the delegator's becoming incapacitated.
- (4) Any delegation under subsection (1) that is in force immediately before a person ceases to be Senior President of Tribunals continues in force until varied or revoked by a subsequent holder of the office of Senior President of Tribunals.

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- (5) The delegation under this section of a function shall not prevent the exercise of the function by the Senior President of Tribunals.

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