

Status: Point in time view as at 21/07/2008.

Changes to legislation: There are currently no known outstanding effects for the Charities Act 1993 (repealed), SCHEDULE 1B. (See end of Document for details)

SCHEDULES

[^{F1}SCHEDULE 1B

Section 2A(3)

THE CHARITY TRIBUNAL

Textual Amendments

- F1** Sch. 1B inserted (18.3.2008) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), [Sch. 3 para. 1](#); S.I. 2008/751, art. 2, Sch.

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 [^{F2}he satisfies the judicial-appointment eligibility condition on a 5-year basis.]
- (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.

Textual Amendments

- F2** Words in [Sch. 1B para. 1\(3\)](#) substituted (21.7.2008) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 10 para. 23](#); S.I. 2008/1653, art. 2(d) (with arts. 34)

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.

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- (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
 - (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.
- (2) Those arrangements shall, in particular, ensure that each panel is constituted in one of the following ways—

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- (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.]

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