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SCHEDULES

SCHEDULE 4

CHAMBERS AND CHAMBER PRESIDENTS: FURTHER PROVISION

PART 1

CHAMBER PRESIDENTS: APPOINTMENT, DELEGATION, DEPUTIES AND FURTHER PROVISION

Deputy Chamber Presidents

- 5 (1) The [^{F1}Senior President of Tribunals] may appoint a person who is not a Deputy Chamber President of a chamber to be a Deputy Chamber President of a chamber.
- (2) The Senior President of Tribunals may appoint a person who is a Deputy Chamber President of a chamber to be instead, or to be also, a Deputy Chamber President of another chamber.
- (3) The power under sub-paragraph (1) is exercisable in any particular case only if the [^{F2}Senior President of Tribunals]—
- (a) has consulted the [^{F3}Lord Chancellor] about whether a Deputy Chamber President should be appointed for the chamber concerned, and
 - (b) considers, in the light of the consultation, that a Deputy Chamber President of the chamber should be appointed.
- (4) A person is eligible for appointment under sub-paragraph (1) only if—
- (a) he is a judge of the Upper Tribunal by virtue of appointment under paragraph 1(1) of Schedule 3,
 - (b) he is a transferred-in judge of the Upper Tribunal (see section 31(2)),
 - (c) he is a judge of the Upper Tribunal by virtue of—
^{F4}
section 5(1)(e) (Social Security Commissioner for Northern Ireland),
section 5(1)(g) (certain judges of courts in the United Kingdom), or
section 5(1)(h) (deputy judge of the Upper Tribunal), or
 - (d) he falls within none of paragraphs (a) to (c) but is eligible to be appointed under paragraph 1(1) of Schedule 3 as a judge of the Upper Tribunal (see paragraph 1(2) of that Schedule).
- (5) If the [^{F5}Senior President of Tribunals], in exercise of his power under sub-paragraph (1) in a particular case, wishes that the person appointed should be drawn from among the ordinary judges of the Court of Appeal in England and Wales or the puisne judges of the High Court in England and Wales, the [^{F5}Senior President of Tribunals] must first ask the Lord Chief Justice of England and Wales to nominate one of those judges for the purpose.

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- (6) If the [^{F5}Senior President of Tribunals], in exercise of his power under sub-paragraph (1) in a particular case, wishes that the person appointed should be drawn from among the judges of the Court of Session, the [^{F5}Senior President of Tribunals] must first ask the Lord President of the Court of Session to nominate one of those judges for the purpose.
- (7) If the [^{F5}Senior President of Tribunals], in exercise of his power under sub-paragraph (1) in a particular case, wishes that the person appointed should be drawn from among the Lords Justices of Appeal in Northern Ireland or the puisne judges of the High Court in Northern Ireland, the [^{F5}Senior President of Tribunals] must first ask the Lord Chief Justice of Northern Ireland to nominate one of those judges for the purpose.
- [^{F6}(7A) The Senior President of Tribunals may make a request under sub-paragraph (5), (6) or (7) only with the Lord Chancellor's concurrence.]
- (8) If a judge is nominated under sub-paragraph (5), (6) or (7) in response to a request under that sub-paragraph, the [^{F7}Senior President of Tribunals] must appoint the nominated judge as a Deputy Chamber President of the chamber concerned.
- (9) A Deputy Chamber President is to hold and vacate office as a Deputy Chamber President in accordance with the terms of his appointment [^{F8}but subject to paragraph 5A (and subject in the first place] to the Judicial Pensions and Retirement Act 1993 (c. 8)]^{F9}, and those terms are to be such as the Lord Chancellor may determine.]
- (10) The Lord Chancellor may pay to a Deputy Chamber President such amounts (if any) as the Lord Chancellor may determine by way of—
- (a) remuneration;
 - (b) allowances;
 - (c) expenses.
- (11) In sub-paragraphs (1) and (2) “chamber” means chamber of the First-tier Tribunal or chamber of the Upper Tribunal.

Textual Amendments

- F1** Words in Sch. 4 para. 5(1) substituted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 47\(8\)](#); S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)
- F2** Words in Sch. 4 para. 5(3) substituted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 47\(9\)](#); S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)
- F3** Words in Sch. 4 para. 5(3)(a) substituted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 47\(10\)](#); S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)
- F4** Words in Sch. 4 para. 5(4)(c) omitted (15.2.2010) by virtue of [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\)](#), [Sch. 1 para. 47\(a\)](#) (with Sch. 4)
- F5** Words in Sch. 4 para. 5(5)-(7) substituted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 47\(9\)](#); S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)
- F6** Sch. 4 para. 5(7A) inserted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 47\(11\)](#); S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)
- F7** Words in Sch. 4 para. 5(8) substituted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 47\(12\)](#); S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)
- F8** Words in Sch. 4 para. 5(9) substituted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 47\(13\)\(a\)](#); S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

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F9 Words in Sch. 4 para. 5(9) inserted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 47\(13\)\(b\)](#); S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

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