

Status: Point in time view as at 10/01/2020.

Changes to legislation: Tribunals, Courts and Enforcement Act 2007, Paragraph 3 is up to date with all changes known to be in force on or before 10 October 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

SCHEDULE 5

PROCEDURE IN FIRST-TIER TRIBUNAL AND UPPER TRIBUNAL

PART 1

TRIBUNAL PROCEDURE RULES

Delegation of functions to staff

- 3 (1) Rules may provide for functions—
- (a) of the First-tier Tribunal, or
 - (b) of the Upper Tribunal,
- to be exercised by staff appointed under section [F140(1)][F12(1) of the Courts Act 2003 or section 40(1) of this Act].
- (2) In making provision of the kind mentioned in sub-paragraph (1) in relation to a function, Rules may (in particular)—
- (a) provide for the function to be exercisable by a member of staff only if the member of staff is, or is of a description, specified in exercise of a discretion conferred by Rules;
 - (b) provide for the function to be exercisable by a member of staff only if the member of staff is approved, or is of a description approved, for the purpose by a person specified in Rules.
- [F2(3) A person may exercise functions by virtue of this paragraph only if authorised to do so by the Senior President of Tribunals.
- (4) An authorisation under this paragraph—
- (a) may be subject to conditions, and
 - (b) may be varied or revoked by the Senior President of Tribunals at any time.
- (5) The Senior President of Tribunals may delegate to one or more of the following the Senior President of Tribunals' functions under the preceding provisions of this paragraph—
- (a) a judicial office holder;
 - (b) a person appointed under section 2(1) of the Courts Act 2003 or section 40(1) of this Act.
- (6) A person to whom functions of the Senior President of Tribunals are delegated under sub-paragraph (5)(b) is not subject to the direction of any person other than—
- (a) the Senior President of Tribunals, or
 - (b) a judicial office holder nominated by the Senior President of Tribunals,
- when exercising the functions.

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- (7) Subsections (3) to (5) of section 8 apply to—
- (a) a delegation under sub-paragraph (5), and
 - (b) a nomination under sub-paragraph (6),
- as they apply to a delegation under subsection (1) of that section.
- (8) In this paragraph—
- “function” does not include—
 - (a) any function so far as its exercise involves authorising a person's committal to prison or arrest;
 - (b) any function of granting an injunction;
- “judicial office holder” has the meaning given by section 109(4) of the Constitutional Reform Act 2005.]

Textual Amendments

- F1** Words in Sch. 5 para. 3(1) substituted (10.1.2020 for specified purposes, 6.4.2020 in so far as not already in force) by [Courts and Tribunals \(Judiciary and Functions of Staff\) Act 2018 \(c. 33\), s. 4\(3\), Sch. para. 44\(2\)](#); S.I. 2020/24, regs. 2(b)(iv), 3(b)
- F2** Sch. 5 para. 3(3)-(8) inserted (10.1.2020 for specified purposes, 6.4.2020 in so far as not already in force) by [Courts and Tribunals \(Judiciary and Functions of Staff\) Act 2018 \(c. 33\), s. 4\(3\), Sch. para. 44\(3\)](#); S.I. 2020/24, regs. 2(b)(iv), 3(b)

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