

## SCHEDULE

### AUTHORISED COURT AND TRIBUNAL STAFF: LEGAL ADVICE AND JUDICIAL FUNCTIONS

#### PART 2

#### TRIBUNALS

##### *Tribunals, Courts and Enforcement Act 2007*

- 44 (1) Paragraph 3 is amended as follows.
- (2) In sub-paragraph (1), for “40(1)” substitute “2(1) of the Courts Act 2003 or section 40(1) of this Act”.
- (3) At the end insert—
- “(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.
- (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.”