

STATUTORY INSTRUMENTS

**2008 No. 2692**

**TRIBUNALS AND INQUIRIES**

**The Qualifications for Appointment of Members to  
the First-tier Tribunal and Upper Tribunal Order 2008**

<i>Made</i>	- - - -	<i>15th October 2008</i>
<i>Laid before Parliament</i>		<i>15th October 2008</i>
<i>Coming into force</i>	- -	<i>3rd November 2008</i>

The Lord Chancellor, with the concurrence of the Senior President of Tribunals, makes the following Order in exercise of the powers conferred by paragraph 2(2) of Schedule 2 and paragraph 2(2) of Schedule 3 to the Tribunals, Courts and Enforcement Act 2007 <sup>M1</sup>.

**Marginal Citations**

**M1** 2007 c. 15.

1.—<sup>[F1(1)]</sup> This Order may be cited as the Qualifications for Appointment of Members to the First-tier Tribunal and Upper Tribunal Order 2008 and shall come into force on 3rd November 2008.

<sup>[F2(2)]</sup> In this Order “registered medical practitioner” means a fully registered person within the meaning of the Medical Act 1983 whether or not they hold a licence to practise under that Act.]

**Textual Amendments**

- F1** [Art. 1\(1\)](#): art. 1 renumbered as art. 1(1) (1.9.2009 art. 1(2)) by [Qualifications for Appointment of Members to the First-tier Tribunal and Upper Tribunal \(Amendment\) Order 2009 \(S.I. 2009/1592\)](#), [art. 3](#)
- F2** [Art. 1\(2\)](#) inserted (1.9.2009 art. 1(2)) by [Qualifications for Appointment of Members to the First-tier Tribunal and Upper Tribunal \(Amendment\) Order 2009 \(S.I. 2009/1592\)](#), [art. 3](#)

2.—(1) A person is eligible for appointment as a member of the First-tier Tribunal or the Upper Tribunal who is not a judge of those tribunals if paragraph (2), (3) or (4) applies.

(2) This paragraph applies to a person who is—

- (a) a registered medical practitioner;

- (b) a registered nurse;
  - (c) a registered dentist;
  - [<sup>F3</sup>(ca) a registered optometrist;]
  - (d) a clinical psychologist;
  - (e) an educational psychologist;
  - (f) a pharmacologist;
  - (g) a veterinary surgeon or a veterinary practitioner registered under the Veterinary Surgeons Act 1966 <sup>M2</sup>;
  - (h) a Member or Fellow of the Royal Institution of Chartered Surveyors; or
  - (i) an accountant who is a member of—
    - (i) the Institute of Chartered Accountants in England and Wales;
    - (ii) the Institute of Chartered Accountants in Scotland;
    - (iii) the Institute of Chartered Accountants in Ireland;
    - (iv) the Institute of Certified Public Accountants in Ireland;
    - (v) the Association of Chartered Certified Accountants;
    - (vi) the Chartered Institute of Management Accountants; or
    - (vii) the Chartered Institute of Public Finance and Accountancy.
- (3) This paragraph applies to a person, <sup>F4</sup>... who is experienced in dealing with the physical or mental needs of disabled persons because they—
- (a) work with disabled persons in a professional or voluntary capacity; or
  - (b) are themselves disabled.
- [<sup>F5</sup>(3A) A person is not eligible for appointment under paragraph (3) if they are a registered medical practitioner.]
- (4) This paragraph applies to a person who has substantial experience—
- (a) of service in Her Majesty's naval, military, or air forces;
  - (b) of educational, child care, health, or social care matters;
  - (c) of dealing with victims of violent crime;
  - (d) in transport operations and its law and practice;
  - (e) in the regulatory field;
  - (f) in consumer affairs;
  - (g) in an industry, trade or business sector and the matters that are likely to arise as issues in the course of disputes with regulators of such industries, trades or businesses;
  - (h) in tax matters and related tax procedures;
  - (i) in a business, trade [<sup>F6</sup>, charity] or not-for-profit organisation.
- [<sup>F7</sup>(j) in immigration services or the law and procedure relating to immigration;
- (k) of data protection;
  - (l) of freedom of information (including environmental information) rights;
  - (m) of service as a Member or Senior Officer of a local authority in England.]
- [<sup>F8</sup>(n) in environmental matters [<sup>F9</sup>;]]
- [<sup>F10</sup>(o) in the drainage of land;

- (p) in farming and the ownership or management of agricultural property;
- (q) in relation to housing or housing conditions;
- (r) in matters relating to landlord and tenant relationships;
- (s) in valuation]

#### Textual Amendments

- F3** Art. 2(2)(ca) inserted (1.9.2009) by [Qualifications for Appointment of Members to the First-tier Tribunal and Upper Tribunal \(Amendment\) Order 2009 \(S.I. 2009/1592\)](#), arts. 1(1), **4(a)**
- F4** Words in art. 2(3) omitted (1.9.2009) by virtue of [Qualifications for Appointment of Members to the First-tier Tribunal and Upper Tribunal \(Amendment\) Order 2009 \(S.I. 2009/1592\)](#), arts. 1(1), **4(b)**
- F5** Art. 2(3A) added (1.9.2009) by [Qualifications for Appointment of Members to the First-tier Tribunal and Upper Tribunal \(Amendment\) Order 2009 \(S.I. 2009/1592\)](#), arts. 1(1), **4(c)**
- F6** Word in art. 2(4)(i) inserted (1.9.2009) by [Qualifications for Appointment of Members to the First-tier Tribunal and Upper Tribunal \(Amendment\) Order 2009 \(S.I. 2009/1592\)](#), arts. 1(1), **4(d)**
- F7** Art. 2(4)(j)-(m) inserted (1.9.2009) by [Qualifications for Appointment of Members to the First-tier Tribunal and Upper Tribunal \(Amendment\) Order 2009 \(S.I. 2009/1592\)](#), arts. 1(1), **4(e)**
- F8** Art. 2(4)(n) inserted (16.4.2012) by [The Qualifications for Appointment of Members to the First-tier Tribunal and Upper Tribunal \(Amendment\) Order 2012 \(S.I. 2012/897\)](#) , arts. 1 , **3**
- F9** Art. 2(4)(n) semi-colon inserted (1.7.2013) by [The Qualifications for Appointment of Members to the First-tier Tribunal and Upper Tribunal \(Amendment\) Order 2013 \(S.I. 2013/1185\)](#) , arts. 1 , **3**
- F10** Art. 2(4)(o)-(s) inserted (1.7.2013) by [The Qualifications for Appointment of Members to the First-tier Tribunal and Upper Tribunal \(Amendment\) Order 2013 \(S.I. 2013/1185\)](#) , arts. 1 , **3**

#### Marginal Citations

- M2** 1966 c. 36.

Signed by the authority of the Lord Chancellor

Ministry of Justice

*Bridget Prentice*  
Parliamentary Under Secretary of State

I concur,

*Robert Carnwath*  
Senior President of Tribunals

**Changes to legislation:** There are currently no known outstanding effects for the *The Qualifications for Appointment of Members to the First-tier Tribunal and Upper Tribunal Order 2008*. (See end of Document for details)

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### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order sets out the qualifications or experience that a person must have in order to be eligible for appointment as a member of the First-tier Tribunal or Upper Tribunal who is not a judge of the tribunal.

**Changes to legislation:**

There are currently no known outstanding effects for the The Qualifications for Appointment of Members to the First-tier Tribunal and Upper Tribunal Order 2008.