

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(a).

1.¹—(1) 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.

¹Art. 1 renumbered art. 1(1) & arts. 1(2) & 2(ca) inserted by arts. 3 & 4(a) of S.I. 2009/1592 as from 1.9.09.

▶¹(2) In this Order “registered medical practitioner” means a fully registered person within the meaning of the Medical Act 1983(b) whether or not they hold a licence to practise under that Act.◀

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;
- ▶¹(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(c);
- (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.

(a) 2007 c. 15.
(b) 1983 c. 54.
(c) 1966 c. 36.

Art. 2

¹Words in art. 2(3) omitted & paras. (3A) & (4)(j)-(m) and words in para. 4(i) inserted by art. 4(b)-(e) of S.I. 2009/1592 as from 1.9.09.

(3) This paragraph applies to a person ►¹◄ 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.

►¹(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 ►¹, charity◄ or not-for-profit organisation;
- ¹(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.◄

Signed by the authority of the Lord Chancellor

15th October 2008

Bridget Prentice
Parliamentary Under Secretary of State
Ministry of Justice

I concur,

15th October 2008

Robert Carnwath
Senior President of Tribunals

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.