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STATUTORY INSTRUMENTS

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**2009 No. 1592**

**TRIBUNALS AND INQUIRIES**

**The Qualifications for Appointment of Members to the First-tier Tribunal and Upper Tribunal (Amendment) Order 2009**

*Made* - - - - - *29th June 2009*  
*Laid before Parliament* *30th June 2009*  
*Coming into force in accordance with article 1*

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>(1)</sup>.

**Citation and commencement**

1.—(1) This Order may be cited as the Qualifications for Appointment of Members to the First-tier Tribunal and Upper Tribunal (Amendment) Order 2009 and, subject to paragraph (2), comes into force on 1st September 2009.

(2) Article 3 comes into force on the day on which paragraph 10 of Schedule 1 to the Medical Act 1983 (Amendment) Order 2002<sup>(2)</sup> comes into force.

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

2. The Qualifications for Appointment of Members to the First-tier Tribunal and Upper Tribunal Order 2008<sup>(3)</sup> is amended as follows.

3. Article 1 shall stand as paragraph (1) and after it insert—

“(2) In this Order “registered medical practitioner” means a fully registered person within the meaning of the Medical Act 1983<sup>(4)</sup> whether or not they hold a licence to practise under that Act.”.

4. In Article 2—

(a) after paragraph (2)(c) insert—

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(1) 2007 c. 15.  
(2) S.I. 2002/3135.  
(3) S.I. 2008/2692.  
(4) 1983 c. 54.

- “(ca) a registered optometrist;”;
- (b) in paragraph (3) omit “, other than a registered medical practitioner,”;
- (c) after paragraph (3) add—
  - “(3A) A person is not eligible for appointment under paragraph (3) if they are a registered medical practitioner.”;
- (d) in paragraph (4)(i) after “trade” insert “, charity”; and
- (e) after paragraph (4)(i) insert—
  - “(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

26th June 2009

*Bridget Prentice*  
Parliamentary Under Secretary of State  
Ministry of Justice

I concur,

29th June 2009

*Robert Carnwath*  
Senior President of Tribunals

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## EXPLANATORY NOTE

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

This Order amends the Qualifications for Appointment of Members to the First-tier Tribunal and Upper Tribunal Order 2008. In addition to making an amendment to clarify eligibility under Article 2(3) of the 2008 Order, the order includes further qualifications and experience that a person may 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.

The Order also inserts a definition of “registered medical practitioner”, which will apply instead of the definition in the Interpretation Act 1978 when it is amended by paragraph 10 of Schedule 1 to the Medical Act 1983 (Amendment) Order 2002; the amended Interpretation Act definition will require a registered medical practitioner to hold a licence to practise under the Medical Act 1983. The effect of the definition in this Order is that a person who is a registered medical practitioner will not need to hold a licence to practise in order to be eligible for appointment as a member of the First-tier Tribunal or the Upper Tribunal who is not a judge of those tribunals.