



Tribunals Judiciary

PRACTICE STATEMENT

COMPOSITION OF TRIBUNALS IN RELATION TO MATTERS THAT FALL TO BE DECIDED BY THE WAR PENSIONS AND ARMED FORCES COMPENSATION CHAMBER ON OR AFTER 3 NOVEMBER 2008

1. In this Practice Statement “the 2008 Rules” means the Tribunal Procedure (First-tier Tribunal) (War Pensions and Armed Forces Compensation Chamber) Rules 2008.
2. In exercise of the powers conferred by the First-tier Tribunal and Upper Tribunal (Composition of Tribunal) Order (“the 2008 Order”) the Senior President of Tribunals makes the following determinations and supplementary provision:-
3. A decision that disposes of proceedings or determines a preliminary issue (except a decision under Part 4 of the 2008 Rules) made at, or following, a hearing must be made by:-
 - a. One judge; and
 - b. One other member who has substantial experience of service in Her Majesty’s naval, military or air forces or who is a transferred-in other member from the Pensions Appeal Tribunal and is not a registered medical practitioner; and
 - c. One other member who is a registered medical practitioner or, in a particular case, or class of case, where the Chamber President considers it appropriate in order for the Tribunal to decide the matter, two other members each of whom is a registered medical practitioner.
4. Where the Tribunal is constituted under paragraph 3 the “presiding member” for the purposes of article 7 of the 2008 Order will be the judge.
5. Where the Tribunal has given a decision that disposes of proceedings (“the substantive decision”), any matter decided under, or in accordance with rule 5(3)(l) or Part 4 of the 2008 Rules, or section 9 of the Tribunals, Courts and Enforcement Act 2007 must be decided by one judge unless the Chamber President considers it appropriate that it is decided by the same members of the Tribunal as gave the substantive decision.
6. Any other decision, including striking out a case under rule 8 (except at, or following, a hearing) or giving directions under rule 5 of the 2008 Rules (whether or not at a hearing), must be made by one judge.
7. In rule 24(1) (Medical examinations and commissioning of medical evidence) of the 2008 Rules “an appropriate member” of the Tribunal is a other member who is a registered medical practitioner.

**LORD JUSTICE CARNWATH
SENIOR PRESIDENT OF TRIBUNALS**

30 October 2008