PRACTICE STATEMENT

COMPOSITION OF TRIBUNALS IN RELATION TO MATTERS THAT FALL TO BE DECIDED BY THE GENERAL REGULATORY CHAMBER ON OR AFTER 24 SEPTEMBER 2012

1. In this Practice Statement;

   a. "the 2008 Order" means the First-tier Tribunal and Upper Tribunal (Composition of Tribunal) Order 2008;
   b. "the 2009 Rules" means the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009[1];
   c. "the Qualifications Order" means the Qualifications for Appointment of Members to the First-tier Tribunal and Upper Tribunal Order 2008;
   d. "decision that disposes of proceedings" does not include a decision under rule 8 (striking out a party's case) or rule 37 (consent order) of the 2009 Rules;
   e. "preliminary issue" means an issue that the First-tier Tribunal has directed should be dealt with as a preliminary issue further to rule 5(3)(e) of the 2009 Rules.

2. In the exercise of powers conferred by 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 must be made by:-

CHARITIES CASE

4. One, two, or three members as determined by the Chamber President and where each member is either a judge or other member who has substantial experience in a charity or not-for-profit organisation.

CLAIMS MANAGEMENT CASE

5. One judge and one or two other members or, where the Chamber President considers it appropriate, one judge.

CONSUMER CREDIT APPEALS CASE

6. One judge and two other members where each other member has the qualifications set out in article 2(4)(e), (f) or (g) of the Qualifications Order.

ENVIRONMENT CASE

7. One judge or one judge and one or two other members where each other member has substantial experience of environmental matters.

ESTATE AGENTS APPEALS CASE

8. One judge and two other members where each other member has the qualifications set out in article 2(4)(e), (f) or (g) of the Qualifications Order.

GAMBLING APPEALS CASE

9. One, two or three judges as determined by the Chamber President.

LOCAL AUTHORITY STANDARDS CASE

10. One judge and one or two other members or, where the Chamber President considers it appropriate, one judge.

INFORMATION RIGHTS CASE

11. One judge and two other members where each other member has substantial experience of data protection or of freedom of information (including environmental information) rights.

IMMIGRATION SERVICES CASE

12. One judge and two other members where each other member has substantial experience in immigration services or the law and procedure relating to immigration.

TRANSPORT CASE

13. One judge or one judge and one or two other members where each other member has substantial experience in transport operations and its law and practice.

OTHER CASES

14. In any other case the Tribunal must consist of one judge.

ALL CASES

15. 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 2009 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 either by:-

   a. the same members of the Tribunal as gave the substantive decision; or

    b. a Tribunal, constituted in accordance with paragraphs 4 to 14 comprised of different members of the Tribunal to that which gave the substantive decision.

16. Any other decision, including striking out a case under rule 8, making an order by consent under rule 37 or giving directions under rule 5 of the 2009 Rules (whether or not at a hearing), must be made by one judge.

17. Where the Tribunal consists of two or more members the "presiding member" for the purposes of article 7 of the 2008 Order will be the judge. Where more than one judge is to decide the matter the "presiding member" will be chosen by the Chamber President.

SENIOR PRESIDENT OF TRIBUNALS
24 September 2012
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1.   SI 2009/1976 as amended