



TRIBUNALS
JUDICIARY

PRACTICE STATEMENT

**COMPOSITION OF TRIBUNALS IN RELATION TO MATTERS THAT FALL TO BE
DECIDED BY THE GENERAL REGULATORY CHAMBER
ON OR AFTER 1 SEPTEMBER 2009¹**

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;
 - 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) 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 CASE²

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 CASE³

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

CONSUMER CREDIT APPEALS CASE⁴

¹ Matters in relation to claims management, gambling appeals, information rights, national security certificate, immigration services and local authority standards cases will not be decided by the General Regulatory Chamber until those Tribunals currently exercising these functions are transferred into the First-tier Tribunal, which will be subject to the approval of the relevant Transfer Orders by Parliament.

² “Charities case” means a case brought under the Charities Act 1993.

³ “Claims management case” means an appeal brought under the Compensation Act 2006.

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.

ESTATE AGENTS APPEALS CASE⁵

7. 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 CASE⁶

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

LOCAL AUTHORITY STANDARDS CASE⁷

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

INFORMATION RIGHTS CASE⁸

10. 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 CASE⁹

11. 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 CASE¹⁰

12. 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.

ALL CASES

13. 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:-

⁴ “Consumer credit appeals case” means an appeal brought under the Consumer Credit Act 1974 or the Money Laundering Regulations 2007

⁵ “Estate agents appeals case” means an appeal brought under the Estate Agents Act 1979

⁶ “Gambling appeals case” means an appeal brought under the Gambling Act 2005

⁷ “Local authority standards case” means a case brought under the Local Government Act 2000

⁸ “Information rights case” means an appeal brought under the Data Protection Act 1998, the Freedom of Information Act 2000, the Privacy and Electronic Communications (EC Directive) Regulations 2003 or the Environmental Information Regulations 2004

⁹ “Immigration services case” means an appeal brought under section 87 of the Immigration and Asylum Act 1999

¹⁰ “Transport case” means proceedings brought under the Road Traffic Act 1988, the Road Traffic Offenders Act 1988, the Greater London Authority Act 1999, the Postal Services Act 2000, the Vehicle Drivers (Certificates of Professional Competence) Regulations 2007, or the European Communities (Recognition of Professional Qualifications) Regulations 2007

- a. the same members of the Tribunal as gave the substantive decision; or
 - b. a Tribunal, constituted in accordance with paragraphs 4 to 12 comprised of different members of the Tribunal to that which gave the substantive decision.
14. Any other decision, including striking out a case under rule 8 of the 2009 Rules or giving directions under rule 5 of the 2009 Rules (whether or not at a hearing), must be made by one judge.
15. 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.

LORD JUSTICE CARNWATH
SENIOR PRESIDENT OF TRIBUNALS
21 AUGUST 2009