



GUIDANCE NOTE

**FOR THE ROLE OF LEGAL MEMBER
OF THE FIRST-TIER TRIBUNAL FOR SCOTLAND
GENERAL REGULATORY CHAMBER
HEALTH AND EDUCATION CHAMBER
HOUSING AND PROPERTY CHAMBER
LOCAL TAXATION CHAMBER
SOCIAL SECURITY CHAMBER**

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1. INTRODUCTION

The Judicial Appointments Board for Scotland (JABS) is a Non-Departmental Public Body. The role of the JABS is to recommend to the Scottish Ministers individuals for appointment to Judicial Office within the remit of JABS, which includes First-tier Tribunal for Scotland appointments.

JABS invites applications from suitably qualified individuals who wish to be considered for appointment to the office of Legal Member of the First-tier Tribunal for Scotland to any of the following Chambers:

- General Regulatory Chamber
- Health and Education Chamber
- Housing and Property Chamber
- Local Taxation Chamber
- Social Security Chamber

The posts are part-time and paid on a daily fee basis as follows:

Chamber	Fee
General Regulatory Chamber	£484.58 (Transport Appeals)
Health and Education Chamber	£487.23
Housing and Property Chamber	£407.93
Local Taxation Chamber	£445.43
Social Security Chamber	£496.66

Appropriate travel and subsistence expenses for tribunal work will also be met. The time commitment of legal members is expected to be in the order of 10 to 30 days per year, depending on the volume of work of the Chamber. Please note that you will be not entitled to a pension in respect of the legal member role.

Membership of the Scottish Tribunals as an ordinary or legal member has the effect of granting the member judicial status and capacity (Tribunals (Scotland) Act 2014, s.14).

The following information is provided to assist you in completing the online application form and in preparing for the interview. **Please read it carefully before completing your application.**

2. THE LEGAL MEMBER BRIEFING PACK AND ROLE PROFILES

Please read the [Legal Member Briefing Pack](#) (produced by the Judicial Office for Scotland) on our website. The role profiles for each Chamber are included at Annex A.

3. ELIGIBILITY

3.1 Legal Members of the First-tier Tribunal for Scotland

Please note that if you are already a Legal Member of the First-tier Tribunal for Scotland you are not eligible to apply for these posts. A separate internal assignment process applies for moves between Chambers and should be discussed with your Chamber President.

3.2 Statutory Eligibility Requirements

Legal Members of the First-tier Tribunal for Scotland are appointed by the Scottish Ministers. Legal Member appointments are made under part 2 of schedule 3 of the Tribunals (Scotland) Act 2014 (the 2014 Act). Eligibility criteria is also set out in the Scottish Tribunals (Eligibility for Appointment) Regulations 2015 at paragraph 4, made under powers in schedule 3 of the 2014 Act.

You are eligible for appointment as a legal member if you have had:

- (a) previous engagement in practice for a period of not less than 5 years as a solicitor or advocate in Scotland; and
- (b) subsequent engagement in any of the following activities:
 - i. Continuing to practise as a solicitor or advocate; or
 - ii. Engaging in any of the following activities:
 - a. Exercising judicial functions in any court or tribunal;
 - b. Practice or employment as a lawyer of any kind; or
 - c. Teaching or researching law at or for an education institution.

The period of five years can be calculated on a cumulative or continuous basis.

A person is not to be treated as having satisfied paragraph (a) above, if the person has been debarred from the person's professional body or if the person has been subject to any sanction that would have led to such debarment had the person not ceased to belong to the professional body.

Mandatory Retirement Age

There is a mandatory retirement age of 75 years for judicial office holders (s.16 of the [Judicial Pensions and Retirement Act 1993 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1993/14))

4. JUDICIAL SKILLS AND QUALITIES

4.1 Skills and Qualities

Each applicant will be assessed against a set of skills and qualities that are necessary for the role (s) as detailed in the Legal Member Briefing pack. You should also refer to the individual roles profiles at Annex A.

4.2 Education, Professional Qualifications, Training and Career History

While the legal career of an applicant and success in that career is important we also value information about non-legal career experience, voluntary or other general experience that may be relevant to the qualities required for judicial office.

Whilst judicial experience, either in the courts or tribunals, part-time or otherwise, will be taken into account, you do not need to have held judicial office in order to apply. If you have had similar experience, you should explain why you consider it relevant. You should draw attention to any aspect of your career, or any other experience that demonstrates the qualities required for judicial office.

5. THE PROCESS

The recruitment panel is made up of lay, legal and judicial members of the JABS Board, JABS lay appointment advisers and legal members of the tribunals. They will assess applications, undertake interviews and make recommendations to the JABS Board for appointment for each of the advertised roles.

You must complete an online application. Applications will be assessed by a panel against the required criteria, and you will then be notified whether or not you have been shortlisted for interview. The interview will include two elements: a practical exercise relevant to the work of the tribunal, and a general interview with scenario and competency-based questions.

Final decisions on recommendations are made by the JABS Board in line with statutory requirements. Recommendations are made solely on the basis of merit and provided the JABS Board is satisfied about the good character and conduct of applicants.

Recommendations are then made to the Scottish Government who report to the Scottish Ministers. Appointments to the First-tier Tribunal for Scotland are made by the Scottish Ministers.

You can view the whole assessment process, including guidance, hints and tips on [‘The Process’ page](#) of our website.

6. ONLINE APPLICATION

The first time you apply online for a judicial office where the recruitment is carried out by JABS, you will be required to register on the GetGo portal via the JABS website. The email registered will become the default email contact for the recruitment process. If you have any difficulties, please contact the JABS Business Management Unit (**BMU**) on 0131 244 3131 or email us directly on mailbox@jabs.gov.scot.

When you submit your application, you will receive an acknowledgement by email. Please contact the BMU if you have **not** received an acknowledgement within 24 hours of submitting your application.

Please check your application carefully before submitting it. The application system will not spell, or grammar check your submission. Please ensure you proof read your application and prepare and copy this from Microsoft Word if necessary.

Legal competence is assessed by the legal and judicial members of the panel. However, all members of the panel will use evidence from all parts of the application to provide evidence of ‘Personal and Judicial’ qualities. For example, the legal section and the overall content of the application form may provide evidence of ‘Communicating Effectively’.

Applications received after 10.30 am on the closing date of 19 December 2024 will not be accepted.

7. COMPLETING THE APPLICATION FORM

The online system is designed to be intuitive and includes instructions for completion within the form. You should also review the [Application Section](#) of our website before completing the form. There are some areas that require instruction, and these are detailed below:

7.1 Personal Information

It is essential to include your first, middle and surname, in your application, as well as 'Any Other Surnames' you are known by, as this may be needed to correctly identify you for eligibility, consultation and disclosure purposes. If you do not have a middle name, please add 'N/A'. **Applicant names and other personal information will not be shared with the panel for shortlisting.**

There is a mandatory retirement age of 75 years for judicial office holders. You must include your date of birth for eligibility purposes. An applicant's date of birth will not be shared with the recruitment panel.

A preliminary assessment of each application is carried out by the BMU in relation to eligibility and age. Should a concern arise at this stage in the process the BMU will send anonymised information to the panel to make a decision on the matter.

7.2 Nationality

It is mandatory to include your nationality. Applicants should be aware that the panel will consider applications from applicants who are not citizens of the British Commonwealth. However, if recommended, the Scottish Ministers may be unable to appoint such an applicant. Applicant nationality will not be shared with the recruitment panel.

7.3 Address and Contact Information

We will use the email and contact information you have provided for registration as the main way to contact you. Please advise the BMU promptly if you have used an email address which you no longer have access to or any changes to your contact information. Your address and contact information will not be shared with the recruitment panel at any point.

7.4 Statutory Eligibility

You must confirm that you have read the 'Statutory Eligibility Criteria' in this Guidance Note (section 3). You should also give a brief description of how you meet the statutory eligibility criteria - you do not need to use the full 300 words.

7.5 Relevant Memberships in Scotland

In this section you are asked to confirm if you have a membership with the Law Society of Scotland or the Faculty of Advocates. If you have a practising membership, please ensure the dates you provide are consistent with the information contained on the relevant organisation's website.

[Law Society of Scotland](#)
[Faculty of Advocates](#)

You will also be asked to confirm if you currently hold any judicial office at the section 'Judicial Appointments' section of the application form. Amongst others, this could include the following roles:

- Part-time Summary Sheriff

- Part-time Sheriff
- Parole Board for Scotland member
- Justice of the Peace
- UK Tribunal member
- Mental Health Tribunal for Scotland member
- Membership of other independent Scottish Tribunals (not part of the First-tier Tribunal for Scotland)

7.6 Education Training and Professional Qualifications

Please give details of your degree(s), as well as any other relevant qualifications in further or higher education; and any relevant training completed.

7.7 Career History

The system only allows you to enter one current role. We are aware that you may have more than one. In this instance you should enter what you consider to be your main role in the 'Current Job' section. Any other current role should be entered in the 'Previous Job' section. Where you are asked to add in your leaving date, in the box 'Dates To', enter the date that you submit your application.

If you are self-employed or a judicial office holder, use the 'Employer Name' field to state this.

7.8 Membership of Specialist Professional Organisations

Please give details of any specialist professional organisation of which you are a member, where relevant.

7.9 Any other experience and membership of organisations

Please provide any other experience or membership of organisations which is relevant to your suitability for judicial office, and not referred to elsewhere in your application.

7.10 Suitability

Please provide a statement explaining why you think you are suited to the role of a Legal Member of the First-tier Tribunal for Scotland. Please include your motivation for applying and your ability to meet the time commitment expected.

You will be given the opportunity to provide details about specific Chambers later in the application form.

7.11 Tribunal Chambers You Are Applying For

You should select 'yes' for the Chamber(s) you are applying for.

Please think carefully before applying for more than one Chamber. You may select more than one if you feel that you have the skills, knowledge and experience or the ability to develop these to fulfil the role for more than one Chamber. You should refer to the Guidance Note which has the individual role profiles for each Chamber.

You must select 'No' for roles that you do not wish to apply for in order to progress to the next stage of the application.

In 600 words, please explain how you meet or could develop the required skills, knowledge and experience for **all** the Chamber roles you are applying for.

7.12 Legal Experience

The purpose of this section is to let the panel see the breadth and depth of your experience in the law. This may include your experience in practice, from any judicial role held or teaching and research of the law.

Your response should include such things as:

- Timescale – when you were involved in each area of work
- An indication of the volumes and range within each category
- You may wish to indicate any cases or transactions of particular importance or significance

This is your opportunity to highlight your legal experience and knowledge.

7.13 Self-Assessment - Legal

In this section you are required to give evidence, including **by way of examples**, of your knowledge and skill in the interpretation and application of the law in your area(s) of legal expertise.

You have 800 words.

Your self-assessment should supplement what you have said about your career and demonstrate your ability to acquire and develop strong legal skills; and demonstrate your knowledge, interpretation and application of substantive and procedural law competence in your area(s) of legal expertise. You should provide evidence and examples of your willingness and ability to acquire and develop new legal knowledge and skills.

You may wish to tell us about a recent case or cases, or advice or an opinion provided, or a transaction or transactions, which you conducted or wrote, and which demonstrates legal competence.

You may wish to include:

- A description of the situation and the context
- What you did
- What skills and knowledge you deployed
- Your personal contribution and the outcome

Please avoid vague or general statements.

7.14 Self-Assessment – Personal and Judicial Qualities

In this section you are required to provide at least one example for each of the criterion 'Leadership and Management', 'Communicating Effectively', 'Exercising Judgement' and 'Working with Others'.

Your response to each criterion should not exceed 400 words. Please consider and cover all of the bullet points in your answer. You may use different example(s) for each criterion.

You may wish to include:

- A description of the situation and the context
- What you did
- What skills and knowledge you deployed
- Your personal contribution, outcome and reflection

In addition to the [information on our website](#), you should also consider the following specific information for the judicial role.

The answers for these sections should give specific examples which demonstrate how you meet each criterion. We have provided the following structure to assist with this:

- Briefly outline the situation – to provide context.
- State what you were trying to achieve.
- What action did you take? Explain what you did, how you did it and why you did it. What did you actually do? What was your contribution and role?
- Describe the result/outcome. What happened and what did you learn?

To help you do this, you may wish to reflect on times when you have used the skills required for the judicial role you are applying for to develop the evidence for this self-assessment. Avoid being vague and making general statements. We suggest you focus on actions in the evidence you provide. You may give different examples and you should use your strongest examples.

Please do not use hyperlinks. We suggest you do not use lists, generalised descriptions, or a sole reference to a position(s) held. There is a 400 word limit for each criterion in this section.

7.15 Reasonable Adjustments

If you need any reasonable adjustments or support at any point throughout the JABS recruitment process, please select yes or contact us at mailbox@jabs.gov.scot to discuss. The information you provide here is not used in the JABS recommendation process.

7.16 Conflicts of Interest

You are required to note family, personal or professional relationships with any JABS Board member (whether part of the recruitment panel for this competition or not) as well as Lay and Legal Appointment Advisers and with any of the First-tier Tribunal for Scotland legal members who are on JABS recruitment panels for this competition.

JABS Board Members:

Mr Lindsay Montgomery CBE, Chairing Member

Mr Jonathan Barne, KC

Mrs Liz Burnley CBE

Mr Paul Cackette, CBE

Mrs Wilma Canning

Sheriff Principal Kate Dowdalls, KC

Chamber President May Dunsmuir, Health and Education Chamber

Sheriff Farquharson, KC

Mr Paul Gray
The Hon. Lady Shona Haldane, KC
Ms Emma Marriott
Dr Fiona McLean
Mr Gareth Morgan, QPM
Mr Peter Murray
The Hon. Lord Robert Weir, KC

Legal and Lay Appointment Advisers:

Mrs Gillian Mawdsley, Legal Appointment Adviser
Dr Geoff Garner Lay Appointment Adviser
Mr Peter McGrath, Lay Appointment Adviser
Ms Marieke Dwarshuis, Lay Appointment Adviser

First-tier Tribunal for Scotland Legal Members:

Ms Lesley Ward, First-tier Tribunal for Scotland Legal Member
Professor Derek Auchie, First-tier Tribunal for Scotland Legal Member
Ms Petra Hennig-McFatrige, First-tier Tribunal for Scotland Legal Member
Chamber President Jacqui Taylor, Local Taxation Chamber

You also need to consider and provide details about any potential conflict of interest if you are appointed to the First-tier Tribunal for Scotland which may arise in connection with the specified Chamber(s).

You should read the [JABS policy on conflicts of interest](#) which is on our website.

The conflict test is whether any particular relationship might reasonably create a perception by others that you might be treated differently from other applicants.

Infrequent social interaction or simple contact with a JABS Board member or others specified above in a professional context, such as having appeared before the JABS Board member in a court or tribunal, sitting in the same court, or having involvement in the same cases will not usually constitute a professional relationship without further involvement, and does not need to be declared. However, frequent contact of this nature may constitute a professional relationship and should be declared.

7.17 Good Character and Conduct

Applicants are asked to disclose any unspent criminal convictions as well as any other issues which may call into question an individual's suitability for judicial office. Applicants must also disclose spent convictions unless those spent convictions are protected from disclosure by virtue of the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013. This includes any unspent criminal convictions outside Scotland.

7.18 Judicial Ethics

The Judicial Office for Scotland has published guidance to Judicial Office holders on Judicial Ethics. At application you are required to confirm that you will comply with this guidance, which is available online at the [Judicial Office website](#).

If you are not able to currently comply with the Judicial Ethics Guidance, please provide information on what you will need to do or change to be able to comply with this You may be contacted by the BMU if the recruitment panel require further information.

If invited to interview, you will be asked some questions on your ability and willingness to adhere to requirements relating to this Guidance and if necessary, you will be given the opportunity to address any queries or concerns.

7.19 Diversity Questionnaire

The JABS has a duty under section 14 of the Judiciary and Courts (Scotland) Act 2008 to 'have regard to the need to encourage diversity in the range of individuals available for selection for judicial appointments. In order to do this, the JABS routinely monitors recruitment and selection procedures. The questionnaire is deliberately wide-ranging since we consider it important to cover all the areas relevant to section 14 considerations.

JABS uses this data to see whether any particular groups are underrepresented in the applicant pool compared to the number in the legal profession. We use this information to focus our future outreach towards such under-represented groups, so it is important that it is as accurate as possible.

This questionnaire will be separated from your application form. The information provided will not be held or otherwise processed in a manner which would allow you to be identified or that information linked to you by any member of the JABS Board or recruitment panel. The information is held securely by the BMU and used solely to produce diversity reports which show overall summaries and do not identify individuals.

8. ENHANCED DISCLOSURE

We are required to carry out Enhanced Disclosure checks for judicial appointments.

If you are successful in being invited to interview, a link to the online disclosure application form and guidance will be sent to you with your shortlisting outcome decision letter. You will be required to pay the cost of the Enhanced Disclosure check, which is £25.

9. CONSULTATIONS

We will conduct consultations for applicants who are invited to interview. These consultations will be sought from (amongst others) where applicable:

- The Lord President
- President of the Scottish Tribunals
- First-tier Tribunal for Scotland Chamber Presidents and Presidents of other Tribunals including the UK Reserved Tribunals
- The Crown Agent
- Scottish Legal Complaints Commission
- Professional Bodies (such as the Faculty of Advocates and the Law Society)
- The Scottish Legal Aid Board
- Police Scotland
- Disclosure Scotland

If you are invited to interview and if relevant, you will be given the opportunity to address any queries or concerns arising from the [consultation](#) process.

10. FEEDBACK

In line with our [Feedback Policy](#), the provision of feedback may not be available for unsuccessful applicants following the shortlisting stage due to the potential number of applicants and the limits on resources but it is available, upon request, following interview.

11. COMPETITION SCHEDULE

We anticipate following the key milestone dates as detailed below:

Date	Milestone
28 November 2024	Application window opens
19 December 2024	Application window closes
Early February 2025	Applicants notified of outcome of shortlisting
February to end of March 2025	Interview period
14 April 2025	Board decision meeting
w/c 21 April 2025	Interview outcome letters issued
w/c 21 April 2025	Recommendation report sent to the Scottish Government*

*Only those with a satisfactory disclosure check will be recommended for appointment.

Please note that these dates may be subject to change. Updated information will be provided on the JABS website.

12. COMPLAINTS

If you are dissatisfied with any aspect of the handling of your application, you should refer to the [Complaints Handling Procedure](#) on our website.

CHAMBER ROLE PROFILES

General Regulatory Chamber
First-tier Tribunal for Scotland



ROLE PROFILE - First-tier Tribunal for Scotland (General Regulatory Chamber) – Legal Member

A - Judicial Role

1. Legal Members will have the opportunity to judicially case manage, hear and decide transport appeals in respect of the following:
 - a. Penalty Charge Notices issued by local authorities in respect of parking contraventions.
 - b. Charge Notices issued by local authorities in respect of bus lane contraventions
 - c. Low Emission Zone Enforcement Charge Notices issued by local authorities in respect of Low Emission Zone contraventions
 - d. Penalty Charges issued by local authorities to occupiers of premises in respect of breaches of the workplace licensing provisions.

This means that legal members perform the role of tribunal judges with their own caseload of important, rewarding work in the Transport Appeals jurisdiction of the General Regulatory Chamber (GRC).

2. Legal Members will be responsible for disposing of appeals using the FOAM case management system.
3. Legal Members will discharge their functions efficiently and effectively given the summary nature of the jurisdiction.
4. Legal Members will initially be assigned to the GRC and hear transport appeals. It is expected that the work of the Chamber will expand to include other jurisdictions.

B - Applicable law

Decriminalised Parking Enforcement (“DPE”)

5. Historically, parking enforcement was a matter for the criminal law. However, DPE is a regime which enables a local authority to administer its own parking penalties, including the issuing of Penalty Charge Notices (“PCNs”) to vehicles. In areas with DPE (currently 22 local authorities), stationary traffic offences cease to be criminal offences enforced by the police

and instead become civil penalties enforced by the local authority. The two principal statutes governing DPE are the Road Traffic Act 1991 and the Parking Prohibitions (Enforcement and Accounts) (Scotland) Regulations 2023.

Bus Lane Enforcement

6. The Transport (Scotland) Act 2001, section 4 4(1) empowers the Scottish Ministers to make regulations in connection with the imposition by approved local authorities of charges in respect of bus lane contravention and the payment of such charges. The Bus Lane Contraventions (Charges, Adjudication and Enforcement) (Scotland) Regulations 2011 is the secondary legislation governing enforcement of bus lane charges in Scotland made under the 2001 Act. In terms of the Bus Lane Contraventions (Approved Local Authorities) (Scotland) Order 2011 there are currently three approved local authorities in Scotland: Aberdeen, Edinburgh and Glasgow.

Low Emission Zone Enforcement

7. Low Emission Zones (“LEZs”) to improve air quality are operational and enforced in Glasgow, Aberdeen, Dundee and Edinburgh. The primary legislation is the Transport (Scotland) Act 2019. It empowers the Scottish Ministers to establish an enforcement regime by regulations. The secondary legislation establishing enforcement of LEZs and appeals against penalty charge notices is the Low Emission Zones (Emission Standards, Exemptions and Enforcement) (Scotland) Regulations 2021. Under the 2021 Regulations, access for the most polluting vehicles to LEZs will be restricted to improve air quality. Vehicles that do not meet the emission standards set for LEZs will not be able to enter the LEZ. A penalty charge will be payable by the vehicle’s registered keeper (and certain other specified persons) when a non-compliant vehicle enters the LEZ. Certain types of vehicles are exempt from the restrictions concerning entering an LEZ.

Workplace Licensing Scheme Enforcement

8. The Transport (Scotland) Act 2019 enables the creation of workplace parking licensing schemes (“WPL”). This is a discretionary power for local authorities to implement WPL schemes. If a WPL scheme is in place, liable employers must obtain a licence from the local authority for each workplace parking place provided for use by employees and certain visitors. The local authority may levy a charge for such a licence based on the number of parking spaces specified in the licence except where certain exemptions apply. Reviews and appeals against licensing decisions may be made by summary application to a sheriff. Appeals against WPL scheme penalty charge notices are to the GRC.

9. Nottingham City Council is the only local authority in the UK operating a WPL scheme. Edinburgh and Glasgow City Councils are actively considering imposing a WPL scheme.

C - Judicial Processes

10. The GRC Transport appeals jurisdiction has the benefit of a digital case management system called Fast Online Appeals Management (“FOAM”). Under this system, appeals are submitted online. Evidence is submitted online by the Appellant and Respondent local authority. The parties can view and comment on each other’s evidence and add more evidence. The Tribunal administration and the Legal Members also work online with FOAM. When a Legal Member is working on appeals, they will be using FOAM

to consider the evidence and representations uploaded by the parties. FOAM can be accessed from a variety of devices.

11. Decisions are issued electronically via FOAM. A small minority of appeals are initiated outside FOAM using a paper form which is submitted to the administration by the Appellant (normally by post), and which is then uploaded onto FOAM by the administration. These appeals are known as “proxy appeals.”

12. A case is allocated to a legal member via FOAM once a Notice of Appeal is received by the Tribunal.

13. About 80% of all appeals are disposed of without a hearing. The remaining appeals are either disposed of by a telephone hearing or a face-to-face hearing. It is also possible to dispose of an appeal via a video link hearing. If a party, typically an Appellant, requests a face-to-face hearing, the default position is to list a video hearing unless there are exceptional circumstances that warrant a face-to-face hearing. In these circumstances, a party must apply to the Tribunal for a face-to-face hearing and a Legal Member will consider the application and issue a decision.

14. Legal Members will also be required to consider review applications or applications for permission to appeal to the Upper Tribunal in respect of a decision of a different Legal Member.

15. Legal Members are required to issue appeal decisions within 28 days of being allocated a case, where the appeal is “on the papers” or within 14 days of last seeing or hearing the parties, where there has been a hearing.

D - Eligibility

16. Legal Member appointments are made under part 2 of schedule 3 of the Tribunals (Scotland) Act 2014.

17. Legal Members of the First-tier Tribunal are appointed by the Scottish Ministers. Legal Member appointments are made under part 2 of schedule 3 of the Tribunals (Scotland) Act 2014. To be eligible for appointment you must:

- Have previous engagement in practice for a period of not less than 5 years as a solicitor or advocate in Scotland; and either:
 - i. Is practising as a solicitor or advocate; or
 - ii. Has had subsequent engagement in any of the following activities:
 - a. Exercising judicial functions in any court or tribunal;
 - b. Practice or employment as a lawyer of any kind; or
 - c. Teaching or researching law at or for an education institution.

The period in practice as a solicitor or advocate in Scotland of not less than five years can be continuous or cumulative.

18. Eligibility criteria is set out in the Scottish Tribunals (Eligibility for Appointment) Regulations 2015¹, made under powers in schedule 3 of the 2014 Act.

¹ [The Scottish Tribunals \(Eligibility for Appointment\) Regulations 2015](#)

E - Core Skills for Legal Members of the GRC

19. Legal Members of the GRC require a blend of judicial, legal, and personal skills to handle cases effectively, uphold fairness, and inspire public confidence. These skills intersect across several key areas:

- a. **Decision-Making and Judgment:** The ability to make fair, timely, and well-reasoned decisions is fundamental. This involves assessing evidence, applying legal principles, and reaching defensible conclusions grounded in law. Good judgment includes recognizing when discretion is appropriate, especially in this high-volume, summary jurisdiction. This skill requires not only a deep understanding of the law but also impartiality and composure under pressure, fostering public trust in the adjudication process.
- b. **Impartiality and Fairness:** Impartiality is essential across all aspects of the role, ensuring every case is approached without bias. Legal Members must treat each party's case on its own merits, upholding principles of natural justice. This includes balancing the efficient handling of cases with fairness and equity, especially when parties are self-represented or unfamiliar with legal procedures.
- c. **Analytical and Critical Thinking:** Strong analytical abilities are necessary to examine facts, identify key issues, and apply relevant laws. Legal Members must critically evaluate the credibility of evidence, address inconsistencies, and make clear distinctions on points of law. This skill extends to scrutinizing written submissions and discerning nuances that can impact decisions, which is especially important when resolving cases without a hearing.
- d. **Case Management and Efficiency:** Effective case management is crucial for handling high caseloads promptly and fairly. Legal Members must organize their caseload, set realistic timelines, and streamline cases by focusing on key issues. Efficiency supports fair treatment of all parties and allows resources to be allocated appropriately, balancing thorough review with timely resolution.
- e. **Legal Knowledge and Procedural Expertise:** Legal Members require comprehensive knowledge of relevant statutes, regulations, and case law governing decriminalized parking enforcement and other transport appeals. Familiarity with procedural rules and principles of administrative law supports efficient and compliant handling of cases. They should stay updated on legal developments, ensuring their decisions reflect current law and are procedurally sound.
- f. **Written and Oral Communication:** Legal Members must communicate complex legal points in clear, accessible language, both in writing and verbally. Written decisions should be concise, well-reasoned, and transparent, enabling parties to understand the basis of the ruling. In hearings, clear verbal communication is essential to explain procedures, respond to questions, and ensure both parties feel heard.
- g. **Public Service Mindset and Integrity:** Legal Members serve in a public role and should act with a sense of service, integrity, and commitment to justice. Upholding high ethical standards and transparency in decision-making instills confidence in the fairness of the process. Integrity, along with a professional demeanour, ensures that all parties are treated with respect and that decisions are made in the public's best interest.

h. Listening and Questioning Skills: Especially in hearings, listening carefully to each party's arguments and knowing when to ask clarifying questions is key to understanding the full context of each case. This skill ensures that parties feel heard and that decisions are based on a complete picture of the facts, helping to reduce the likelihood of appeals.

i. Emotional Resilience and Adaptability: Given the volume and nature of cases, Legal Members need emotional resilience to manage challenging situations with professionalism. Adaptability is also vital, allowing members to adjust their approach based on the specifics of each case or procedural changes, while maintaining consistency in quality.

F - Fees and Expenses

20. The current fee for Transport Appeals in the General Regulatory Chamber is £484.58 per day. Travel and subsistence expenses will also be met.

21. There is no requirement for applicants to reside in Scotland. It should be noted that for members that reside outside of Scotland, expenses will not be reimbursed for travel outside of Scotland.

G - Time Commitment

22. The time commitment is expected to be not less than 12 days per year, although the time commitment could vary depending on the volume of work of the tribunal. In addition, it is anticipated that there will be at least one day of mandatory training per year.

H - Period of appointment

23. By virtue of paragraph 4 of schedule 7 of the 2014 Act you will be automatically reappointed for periods of five years, unless one of the conditions listed in paragraph 4(3) of schedule 7 applies. You may decline automatic reappointment by providing one month's written notice to the Lord President that you do not wish to continue in post at the expiry of your current period in office.

24. You are required to vacate your office on the day on which you attain the age of 75.

I - Useful Links

[General Regulatory Chamber website](#)

[The Tribunals \(Scotland\) Act 2014](#)



Role Profile - First-Tier Tribunal for Scotland, Health and Education Chamber

Legal Members

A. Judicial role

1. Legal members will have the opportunity to judicially case manage, hear and decide disputes involving the school education of children and young people in Scotland who often face wide and complex challenges in their everyday lives. This means that legal members perform the role of tribunal judges with their own caseload of important, rewarding work in the Health and Education Chamber (HEC).
2. Legal members are responsible for pre-hearing judicial case management, chairing the hearing, chairing post-hearing deliberations and drafting the decision of the tribunal. A written decision is drafted in every hearing. Legal and specialist members apply the principles of the Chamber's Judicial Decision Writing Toolkit in producing concise and clear decisions. These are ordinarily anonymised and published on the Chamber's website Decisions | First-tier Tribunal for Scotland (Health and Education Chamber). The decision is produced within 10 working days of the hearing.
3. The children and young people who are the subject of proceedings will usually have additional support needs and/or a disability or multiple disabilities. Legal members will take these needs and disabilities into account in making tribunal proceedings as accessible as possible, using procedural flexibility and a trauma informed approach.
4. Legal members will discharge their functions efficiently and effectively, avoiding delay wherever possible, keeping the child or young person at the centre of all proceedings.
5. Legal members will follow the Statement of Principles of Judicial Ethics for the Scottish Judiciary, revised December 2016, in all of their HEC judicial work.

B. Applicable law

6. Children (up to the age of 15 years), young people (16 years and above who remain in school education) and their parents may make applications to the HEC.
7. Each case in the HEC is either a 'reference' or a 'claim.' An argument may be brought under the United Nations Convention on the Rights of the Child (UNCRC), only very recently incorporated into domestic Scots Law by the United Nations Convention on the Rights of the Child (Incorporation)(Scotland) Act 2024.

8. References are made under section 18 of the Education (Additional Support for Learning)(Scotland) Act 2004. These relate to decisions on placing requests, decisions about the only statutory education plan in Scotland, called a co-ordinated support plan or decisions about planning for a school transition for a child or young person.

9. Claims are made under the Equality Act 2010 and relate to alleged discrimination, victimisation or harassment on any aspect of school education.

10. Case law is commonly relied upon by parties. This includes decisions of the HEC, other Tribunals and Courts.

C. Judicial processes

11. A case is allocated to a legal member once the initial case statements (setting out the case for each party, with supporting documents) have been gathered into the electronic 'bundle.' The legal member then judicially manages the case to a hearing, which can be in-person, remote (usually online) or a hybrid type between the two. This task will involve one or more telephone case management hearings.

12. Case management hearings are arranged around the legal member and parties' availability. They are commonly conducted by telephone and occasionally online. These ordinarily last no more than an hour. Some cases have more than one case management hearing. The legal member completes a case management call note after the hearing, which is shared with the parties and added to the bundle.

13. If a case is to proceed to a hearing, the dates for this are fixed by the legal member in consultation, with the parties, during the case management hearing. The legal member decides which type of hearing is appropriate (in-person, remote (online) or a hybrid version of both).

14. Evidential hearings in the HEC usually last for two or three days with several witnesses giving oral evidence. Tribunals sit with three members, a legal member and two ordinary (called 'specialist' in the HEC) members from an education, health or social work professional background. The legal member chairs the hearing, making procedural decisions, and then drafts the reasoned decision. All three tribunal members have an equal role in the decision-making process. As the tribunal is a specialist one, intervention through tribunal questions to witnesses is common.

15. The child or young person who is the focus of the case will usually share their views with the tribunal, directly (in person or online) or through an independent advocate, in a written report. The HEC adopts a flexible and creative approach in collecting the views of the child or young person in all cases, even where significant communication challenges exist. The legal member will apply that flexibility and creativity on collecting views as the case is managed and the hearing is chaired.

16. Although there is a rise in the number of unrepresented parties, most parties are legally represented by solicitors and on occasion senior or junior counsel.

D. Judicial skills

The following judicial skills are necessary for legal members of the HEC:

a) Understand the dynamics of good judicial case management.

- b) Demonstrate strong leadership during hearings.
- c) Explain the remit of the Tribunal, the manner and order of the proceedings and the procedure of the Tribunal to the parties.
- d) Weigh up potentially conflicting evidence and support the specialist members to reach an independent and reasoned decision.
- e) Work collaboratively with specialist members and facilitate collective decision making.
- f) Communicate effectively and courteously with all parties, taking steps to ensure the views of the child or young person are heard, consistent with the child-centred ethos of the Chamber.
- g) Take creative and robust steps to obtain the views of the child or young person using the full range of means available, including independent advocacy.
- h) Effective working as part of a multi-disciplinary judicial team, including encouraging specialist members to use their specialisms fully during and after the hearing.
- i) Excellent hearing chairing skills. Provide advice to other members and assistance to parties to the proceedings on the legal issues arising, ensuring proceedings are fair and efficiently managed consistent with the First-tier Tribunal's overriding objective.

E. Legal skills

The following legal skills are necessary for legal members of the HEC:

- a) Analysis of a significant volume of written evidence, which may include the evidence of skilled witnesses, a child or young person and multiple witnesses.
- b) Identification and application of relevant law (including primary and secondary legislation and case law), determining which legal tests are engaged and focussing legal argument on matters in dispute; directing oral and written submissions when relevant.
- c) Identification of preliminary legal or procedural points, which may give rise to questions of competency, for example, whether an application is lodged in time.
- d) Managing the attendance of interpreters in proceedings, including ensuring that the correct language interpreter is present.
- e) Assimilation of relevant and material facts to form the Tribunal's findings in fact.
- f) Application of the relevant and material facts to complex legal tests.
- g) Professional, clear and appropriate communication with parties of all ages, representatives, witnesses and supporters during hearings.
- h) Assisting unrepresented parties in presenting their case, without helping them decide what to present.
- i) Ensure decisions, directions and any orders of the Tribunal are made efficiently, effectively and fairly and notified timeously. Draft the decision to include findings in fact and

reasons for decision and ensure the law is appropriately applied and all relevant issues are addressed.

j) Writing in an easily understandable, concise and legally sound way, consistent with the Chamber's Judicial Decision Writing Toolkit.

k) Understanding complex legislation, case law, statutory guidance and other legal sources, including relevant international law.

l) Keeping up to date with the relevant law, specialist knowledge and practice by attending Chamber training, maintaining up to date knowledge of President's Guidance, the Chamber's Judicial Decision Writing Toolkit and the Chamber's Judicial Handbook.

F. Personal skills

a) Excellent listening skills (including verbal and non-verbal communication).

b) Excellent clear, concise and calm verbal communication.

c) Sensitivity towards the nature of proceedings and those involved, recognising the need to avoid the potential for re-traumatisation of the child or young person, parties, witnesses and representatives, consistent with the trauma informed principles applied by the Chamber (Safety, Relationship, Choice, Control, Collaboration and Kindness).

d) Alert to upset and distress if this arises during proceedings and managing this in a compassionate and kind and judicial manner.

e) Ability to remain calm in the face of unexpected developments or challenge.

f) Effective communication with children and young people (or is willing to learn how to do so) consistent with the child-centred ethos of the Chamber.

g) An understanding of the types of sensory challenges that neurodivergent children or young people experience.

h) Collaborate with specialist members to overcome sensory challenges in order to facilitate effective participation and to obtain the best evidence in hearings.

G. Eligibility

Legal Members of the First-tier Tribunal are appointed by the Scottish Ministers. Legal Member appointments are made under part 2 of schedule 3 of the Tribunals (Scotland) Act 2014. To be eligible for appointment you must:

- Have previous engagement in practice for a period of not less than 5 years as a solicitor or advocate in Scotland; and either:

i. Is practising as a solicitor or advocate; or

ii. Has had subsequent engagement in any of the following activities:

a. Exercising judicial functions in any court or tribunal;

b. Practice or employment as a lawyer of any kind; or

c. Teaching or researching law at or for an education institution.

The period in practice as a solicitor or advocate in Scotland of not less than five years can be continuous or cumulative.

Eligibility criteria is set out in the Scottish Tribunals (Eligibility for Appointment) Regulations 2015², made under powers in schedule 3 of the 2014 Act.

H. Fees and Expenses

The current fee for the Health and Education Chamber is £487.23 per day. Travel and subsistence expenses will also be met.

There is no requirement for applicants to reside in Scotland. It should be noted that for members that reside outside of Scotland, expenses will not be reimbursed for travel outside of Scotland.

I. Time Commitment

The time commitment is expected to be not less than 15 days per year, although the time commitment could vary depending on the volume of work of the tribunal. In addition, it is anticipated that there will be at least one day of mandatory training per year.

J. Period of appointment

By virtue of paragraph 4 of schedule 7 of the 2014 Act you will be automatically reappointed for periods of five years, unless one of the conditions listed in paragraph 4(3) of schedule 7 applies. You may decline automatic reappointment by providing one month's written notice to the Lord President that you do not wish to continue in post at the expiry of your current period in office.

You are required to vacate your office on the day on which you attain the age of 75.

K. Useful Links

[Health and Education Chamber website](#)

[The Tribunals \(Scotland\) Act 2014](#)

² [The Scottish Tribunals \(Eligibility for Appointment\) Regulations 2015](#)



ROLE PROFILE - First-Tier Tribunal for Scotland Housing and Property Chamber - Legal Members

Jurisdiction

The First-tier Tribunal for Scotland (Housing and Property Chamber) was formed to deal with:

- (1) determinations of “fair” and “market” rent in private sector housing;
- (2) repair issues in private sector housing;
- (3) assistance in exercising a landlord’s right of entry; and
- (4) relatively informal and flexible proceedings to help resolve complaints brought by homeowners against property factors.

From 1 December 2017, the Chamber’s jurisdiction was expanded significantly, following the transfer of jurisdiction from the Sheriff Courts for all private rented applications (except criminal matters) arising from regulated, Part VII, and assured and short assured tenancies (Housing (Scotland) Act 2014 refers). The Chamber now also receives applications for rent assessments, drawing up of tenancy terms, evictions and recovery of possession, tenancy deposits, disabled adaptations, payment orders, landlord registration appeals and other non-criminal matters arising from the Private Residential Tenancy (Private Housing (Tenancies) (Scotland) Act 2016 refers). Social rented cases continue to be considered by the Sheriff Court.

From January 2018, the jurisdiction was further expanded to consider complaints arising from letting agents’ legislation with applications being made by tenants, landlords and Scottish Ministers against letting agents.

Complexity and Diversity of cases

There are over 50 different types of applications which can be considered by the Chamber involving the application of over 12 different statutes. The orders which can be issued by the Tribunal include; eviction and recovery of possession and eviction orders; payment orders (with no upper limit on the monetary sum involved), orders to prevent illegal evictions, compensation orders (again with no monetary upper limit); specific implement orders; framing tenancy agreements; registration outcomes; enforcement orders issued to landlords, letting agents and property factors; and orders for inserting restriction of use conditions in title deeds.

The law relating to private residential tenancies is complex, being contained in numerous statutes and has evolved through case law which is regularly referred to. Different legislation

applies depending on whether there is a regulated, Part VII, assured, short assured or private residential tenancy in place. Cases involving property factors often raise complex issues of property law, agency law and consumer law, among others. Legal members therefore require knowledge and skills across a wide range of areas of law.

Impact and sensitivity of decisions

The decisions can have a significant impact on parties. They can involve outcomes which affect the use and enjoyment of a person's home or property and the ability to remain in occupation of a house which is a party's primary accommodation, as well as a person's ability to earn a livelihood in certain sectors, possible criminal proceedings against them; and restrictions on the use of property. Because of the potential for human rights challenges in eviction and regulatory cases, legal aid is available to parties (applicants and respondents) depending on the type of application. The Tribunal Members receive training to enable unrepresented parties to fully participate in the proceedings. The Tribunal adopt an inquisitorial approach to facilitate this.

The decisions primarily impact on those parties involved, although the Tribunal has power to continue with repairs cases even where the applicant withdraws the application, where there is a public interest such as health and safety concerns or impact on third parties. The Tribunal considers evictions based on anti-social behaviour of a tenant or occupier and this type of case impacts on neighbours who are often witnesses in the case. The letting agent, property factor and landlord registration cases have a regulatory element which involve public interest. The Tribunal consider the requirements for disabled adaptations to private rented houses. All Chamber decisions and statements of reasons for those decisions are published on the Chamber website and are publically available. All forthcoming hearings are also advertised due to the interest which surrounds some cases and members of the press and observers can and do attend.

The nature of the Tribunal's work involves Party v Party disputes rather than Citizen v State. The Tribunal endeavours to resolve disputes by means of informal and flexible proceedings, but formality is escalated if parties display challenging behaviours. Some cases involve an oral evidential hearing, which is preceded by a site inspection attended by parties and their representatives in rent assessment and repairs cases. There is also the possibility in cases considered appropriate by the Tribunal to decide cases on the basis of written submissions, without an oral hearing. Case management discussions with parties conducted by a legal member also precede some hearings to ensure the efficient discharge of business.

Cases before the Chamber relating to property factoring, letting agent and repairing standard complaints often go through various stages with hearings to determine the applications, compliance hearings to ensure the orders have been implemented and, in the event of failure to implement, enforcement proceedings and possible prosecutions.

When the Tribunal sits to hear a case, it can sit with one, two or three members. The Chamber President assigns the number and type of members to hear a case based on the nature of the complaints in the application and required specialism identified from the application paperwork. All hearings are chaired by the Chamber President or a legal member. The Ordinary members are surveyors, who are members of RICS, and housing professionals.

A. Judicial role

1. Legal members will have the opportunity to judicially case manage, hear and decide disputes relating to the aforementioned jurisdictions. Legal members perform the role of tribunal judges and in some instances undertaking the roles previously performed by sheriffs. Members have their own caseload of work in the Housing and Property Chamber (HPC) making decisions which impact on the lives of individuals and families.
2. Legal members are responsible for pre-hearing judicial case management, chairing the hearing, chairing post-hearing deliberations and drafting the decision of the tribunal. A written decision is drafted in every hearing. Legal and specialist members will be expected to produce reasoned decisions which may be challenged on appeal. There is legislative requirement that all decisions of the Chamber are published on the Chamber website [which can be accessed here](#). It is expected that decisions will be issued by members within reasonable timescales which take account of the complexity of the case.
3. Legal members will discharge their functions efficiently and effectively, avoiding delay wherever possible, and applying the overriding objectives of the Chamber as detailed in the [procedural rules](#).
4. Legal members will follow the [Statement of Principles of Judicial Ethics for the Scottish Judiciary](#), revised 2023, in all of their HPC judicial work.
5. Legal members are required to participate in regular members' reviews and attend regular training events. The review procedures involve peer reviews undertaken by other tribunal members and can involve informal support and mentoring of other members.

The judicial role of a Legal member in HPC can be summarised as follows:

- a) taking responsibility for chairing of the tribunal hearings (either held in person or held remotely by video or by telephone) and for the management of the cases allocated to them from referral for determination of the application to final conclusion.
- b) taking the lead in the relevant proceedings and providing advice to other members and assistance to parties to the proceedings on the legal issues arising, ensuring proceedings are fair and actively and efficiently managed;
- c) communicating effectively and courteously with all parties;
- d) weighing up potentially conflicting evidence and provide and received support to/from other members to reach an independent and reasoned decision;
- e) working collaboratively with other tribunal members and facilitate collective decision making, draft any written decision and statement of reasons and ensure the law is appropriately applied and all relevant issues are covered in the decision and statement of reasons;
- f) ensuring that parties who are not represented can effectively present their case and have it considered fairly;
- g) ensuring decisions, directions and any orders of the Tribunal are made efficiently, effectively, fairly and notified timeously;

- h) occasionally seeking warrants for entry from the court, giving police statements and evidence in prosecutions related to Chamber decisions, and
- i) travelling throughout Scotland to property inspections as required for certain types of cases, taking into account members' availability and personal circumstances.

B. Legal skills

The following legal skills are necessary for legal members of the HPC:

- a) Analysis of a significant volume of written and oral evidence.
- b) Identification and application of relevant law (including primary and secondary legislation and case law), determining which legal tests are engaged and focussing legal argument on matters in dispute; directing oral and written submissions when relevant.
- c) Identification of preliminary legal or procedural points, which may give rise to questions of competency, for example, whether an application is lodged in time.
- d) Managing the attendance of interpreters in proceedings, including ensuring that the correct language interpreter is present.
- e) Assimilation of relevant and material facts to form the Tribunal's findings in fact.
- f) Application of the relevant and material facts to complex legal tests.
- g) Professional, clear and appropriate communication with parties of all ages, representatives, witnesses and supporters during hearings.
- h) Assisting unrepresented parties in presenting their case, without advocating the course they should take.
- i) Ensure decisions, directions and any orders of the Tribunal are made efficiently, effectively and fairly and notified timeously. Draft the decision to include findings in fact and reasons for decision and ensure the law is appropriately applied and all relevant issues are addressed.
- j) Writing in an easily understandable, concise and legally sound way.
- k) Understanding complex legislation, case law, statutory guidance and other legal sources, including relevant international law.
- l) Keeping up to date with the relevant law, specialist knowledge and practice by attending Chamber training.

C. Personal skills

- a) Excellent listening skills (including verbal and non-verbal communication).
- b) Excellent clear, concise and calm verbal communication.

- c) Sensitivity towards the nature of proceedings and those involved.
- d) Ability to remain calm in the face of unexpected developments or challenge.
- e) Effective communication with parties from different backgrounds and with different needs.
- f) Collaborate with specialist members in order to obtain the best evidence in hearings.

D. Eligibility

Legal Members of the First-tier Tribunal are appointed by the Scottish Ministers. Legal Member appointments are made under part 2 of schedule 3 of the Tribunals (Scotland) Act 2014. To be eligible for appointment you must:

- Have previous engagement in practice for a period of not less than 5 years as a solicitor or advocate in Scotland; and either:
 - i. Is practising as a solicitor or advocate; or
 - ii. Has had subsequent engagement in any of the following activities:
 - a. Exercising judicial functions in any court or tribunal;
 - b. Practice or employment as a lawyer of any kind; or
 - c. Teaching or researching law at or for an education institution.

The period in practice as a solicitor or advocate in Scotland of not less than five years can be continuous or cumulative.

Eligibility criteria is set out in the Scottish Tribunals (Eligibility for Appointment) Regulations 2015³, made under powers in schedule 3 of the 2014 Act.

E. Fees and Expenses

The current fee for the Housing and Property Chamber is £407.93 per day. Travel and subsistence expenses will also be met.

There is no requirement for applicants to reside in Scotland. It should be noted that for members that reside outside of Scotland, expenses will not be reimbursed for travel outside of Scotland.

F. Time Commitment

The time commitment is expected to be not less than 15 days per year, although the time commitment could vary depending on the volume of work of the tribunal. In addition, it is anticipated that there will be at least one day of mandatory training per year.

G. Period of appointment

By virtue of paragraph 4 of schedule 7 of the 2014 Act you will be automatically reappointed for periods of five years, unless one of the conditions listed in paragraph 4(3) of schedule 7

³ [The Scottish Tribunals \(Eligibility for Appointment\) Regulations 2015](#)

applies. You may decline automatic reappointment by providing one month's written notice to the Lord President that you do not wish to continue in post at the expiry of your current period in office.

You are required to vacate your office on the day on which you attain the age of 75.

H. Useful Links

[Housing and Property Chamber website](#)
[The Tribunals \(Scotland\) Act 2014](#)



ROLE PROFILE - FIRST-TIER TRIBUNAL FOR SCOTLAND - LOCAL TAXATION CHAMBER LEGAL MEMBER

Introduction

The Local Taxation Chamber became operational on 1st April 2023 when the functions of the Valuation Appeal Panels and Council Tax Reduction Review Panel were transferred to the Local Taxation Chamber (LTC).

Jurisdiction

The LTC hears the Council Tax and Non Domestic Rates appeals. The details of the appeal types are:

- Valuation appeals and complaints under the Valuation Acts in terms of the Local Government (Scotland) Act 1975.
- Non Domestic Rates penalty notice appeals in terms of section 31 or section 34 of the Non- Domestic Rates (Scotland) Act 2020.
- Council Tax appeals in relation to council tax banding in terms of regulation 15(4) of The Council Tax (Alteration of Lists and Appeals)(Scotland) Regulations 1993.
- Council Tax appeals against a decision of the Assessor to issue a completion notice for a new building in terms of paragraph 2 of schedule 6 to the Local Finance Act 1992.
- Council Tax liability appeals under section 81(1) of the Local Government Finance Act 1992.
- Applications for a Council Tax Reduction Reviews under Regulation 70B of the Council Tax Reduction (State Pension Credit) (Scotland) Regulations 2012 or Regulations 93-96 of the Council Tax Reduction (Scotland) Regulations 2021.
- Council Tax appeals against a penalty notice in terms of Schedule 3(3) of the Local Government Finance Act 1992.
- Water Charges Appeals.

Further details and links to the legislation and the Chamber Procedure Rules are available on the [LTC website](http://www.localtaxationchamber.scot) (www.localtaxationchamber.scot).

Hearings

When the Tribunal sits to hear an appeal the hearing will be chaired by the legal member. The Tribunal will comprise either one legal member sitting alone (Council Tax Reduction appeals and Council Tax liability appeals); one legal member and one ordinary member with valuation experience (Council Tax banding appeals) or one legal member and one ordinary member with rating experience (Non Domestic Rates Appeals).

All forthcoming hearings are advertised on the Chamber website. 93% of hearings are video conference hearings and the remainder are either in person hearings or hearings determined by written representations.

Judicial role

Legal members are responsible for chairing the appeal hearing, chairing post-hearing deliberations and drafting the decision of the tribunal. A written decision is drafted for every appeal. Legal and specialist members will be expected to produce reasoned decisions which may be challenged on appeal. All decisions (other than Council Tax Reduction decisions) are published on the Chamber website. It is expected that decisions will be issued by members within reasonable timescales which take account of the complexity of the case.

The judicial role of a Legal member in LTC can be summarised as follows:

- Hearing and deciding the appeals.
- Being responsible for chairing the tribunal hearings (either held in person, held remotely by video or occasionally by telephone).
- Taking the lead in the relevant proceedings and providing advice to other members and assistance to parties to the proceedings on the legal issues arising, ensuring proceedings are fair and actively and efficiently managed;
- Communicating effectively and courteously with all parties;
- Weighing up potentially conflicting evidence and provide and receive support to/from other members to reach an independent and reasoned decision;
- Working collaboratively with other tribunal members and facilitate collective decision making, draft any written decision and statement of reasons and ensure the law is appropriately applied and all relevant issues are covered in the decision.
- Ensuring that parties who are not represented can effectively present their case and have it considered fairly;
- Ensuring decisions, directions and any orders of the Tribunal are made efficiently, effectively, fairly and notified timeously;
- Participating in regular members' reviews. The review procedures involve peer reviews undertaken by other tribunal members and can involve informal support and mentoring of other members.
- Attending regular training events.

Legal skills

The following legal skills are necessary for legal members of the LTC:

- Good working knowledge of the relevant law or proven ability to master new specialities rapidly.

- Ability to analyse complex legal problems and apply the law correctly.
- Ability to analyse and interpret case law and statute.
- Thorough knowledge of procedure and practice in Scottish courts or tribunals.

Personal and Judicial Qualities

The following personal and judicial qualities are necessary for legal members of the LTC:

Managing work efficiently

- Manages cases and time effectively.
- Diligent and hardworking.
- Confident in managing and chairing the hearing process.
- Able to deliver work at speed and under pressure.

Communicating effectively

- Establishes authority and inspires respect and confidence.
- Modifies communication style to meet the needs of different tribunal users.
- Listens with patience and respect.
- Produces written work that is clear, concise, and well-reasoned.
- Is able to communicate about the law in a way which is accessible and clear and will help fellow tribunal members understand legal issues in a case.

Exercising judgment

- Remains impartial and open minded and is seen to be fair to all.
- Is able to analyse and assess complex evidence and arguments.
- Is able to reason clearly.
- Is able to contribute constructively to decision-making.
- Is confident in judging and making independent decisions in the face of challenge.

Working with others

- Is able to work collegiately with fellow tribunal members.
- Is amenable to appropriate direction and professional guidance from fellow tribunal members.
- Allows people to give their best.
- Is even tempered and consistent.
- Treats people with respect and sensitivity.
- Understands people and society.

Mind-set

- Shows an understanding of and commitment to the role and to public service.
- Is self-aware and uses feedback and self-reflection to develop.

Eligibility

Legal Members of the First-tier Tribunal are appointed by the Scottish Ministers. Legal Member appointments are made under part 2 of schedule 3 of the Tribunals (Scotland) Act 2014.

To be eligible for appointment you must:

Have previous engagement in practice for a period of not less than 5 years as a solicitor or advocate in Scotland; and either:

- i. Is practising as a solicitor or advocate; or
- ii. Has had subsequent engagement in any of the following activities:
 - a. Exercising judicial functions in any court or tribunal;
 - b. Practice or employment as a lawyer of any kind; or
 - c. Teaching or researching law at or for an education institution.

The period in practice as a solicitor or advocate in Scotland of not less than five years can be continuous or cumulative.

Eligibility criteria is set out in the Scottish Tribunals (Eligibility for Appointment) Regulations 2015⁴, made under powers in schedule 3 of the 2014 Act.

Fees and Expenses

The current fee for the Local Taxation Chamber is £445.43 per day. Travel and subsistence expenses will also be met.

There is no requirement for applicants to reside in Scotland. It should be noted that for members that reside outside of Scotland, expenses will not be reimbursed for travel outside of Scotland.

Time Commitment

The time commitment is expected to be not less than 15 days per year, although the time commitment could vary depending on the volume of work of the Chamber. Sittings need not always be on a full day basis, and where possible half day sittings can be accommodated. In addition, it is anticipated that there will be at least one day of mandatory training per year.

Period of appointment

By virtue of paragraph 4 of schedule 7 of the 2014 Act you will be automatically reappointed for periods of five years, unless one of the conditions listed in paragraph 4(3) of schedule 7 applies. You may decline automatic reappointment by providing one month's written notice to the Lord President that you do not wish to continue in post at the expiry of your current period in office.

You are required to vacate your office on the day on which you attain the age of 75.

Useful Links

[Local Taxation Chamber website](#)
[The Tribunals \(Scotland\) Act 2014](#)

⁴ [The Scottish Tribunals \(Eligibility for Appointment\) Regulations 2015](#)

ROLE PROFILE

FIRST-TIER TRIBUNAL FOR SCOTLAND, SOCIAL SECURITY CHAMBER LEGAL MEMBER

Background

The Scottish Ministers are seeking to appoint a number of Legal Members to the First-tier Tribunal for Scotland, assigned to the Social Security Chamber.

The Social Security Chamber was established in 2018 and hears appeals against benefit decisions made by Social Security Scotland. The Chamber currently deals with appeals in connection with decisions and determinations in terms of sections 46 and 61 of the Social Security (Scotland) Act 2018. A Social Security Chamber tribunal is composed of a legal convener, a medically qualified member and a disability qualified member for adult and child disability benefit appeals. Most other benefits will be heard by a legal convenor sitting alone.

Eligibility

Legal Members of the First-tier Tribunal are appointed by the Scottish Ministers. Appointments are made under part 2 of schedule 3 of the Tribunals (Scotland) Act 2014. To be eligible for appointment you must:

- Have previous engagement in practice for a period of not less than 5 years as a solicitor or advocate in Scotland; and either:
 - i. Is practising as a solicitor or advocate; or
 - ii. Has had subsequent engagement in any of the following activities:
 - a. Exercising judicial functions in any court or tribunal;
 - b. Practice or employment as a lawyer of any kind; or
 - c. Teaching or researching law at or for an education institution.

The period in practice as a solicitor or advocate in Scotland of not less than five years can be continuous or cumulative.

Eligibility criteria is set out in the Scottish Tribunals (Eligibility for Appointment) Regulations 2015⁵, made under powers in schedule 3 of the 2014 Act.

Personal and Judicial Qualities

As well as meeting the above eligibility criteria, applicants are also required to demonstrate judicial and personal qualities as set out below:

Working with others

- Able to work effectively as part of a team and be active in deliberations and decision making;
- Able to exercise strong leadership;

⁵ [The Scottish Tribunals \(Eligibility for Appointment\) Regulations 2015](#)

- Able to take responsibility for process and decisions, ensuring they are fair and ethical;
- Able to deal with difficult issues, openly and sensitively, as and when required; and
- Is self-aware and uses feedback and self-reflection to develop yourself and others.

Exercising Judgment

- Remains impartial and open minded and is seen to be fair to all;
- Is able to analyse and assess complex evidence and arguments;
- Is able to reason clearly; and
- Is confident in judging and making independent decisions in the face of challenge.

Managing Work Effectively

- Manages cases and time effectively;
- Is diligent and hard working;
- Is confident in managing the hearing process; and
- Is able to deliver work at speed and under pressure.

Communicating Effectively

- Establishes authority and inspires respect and confidence;
- Modifies communication style to meet the needs of different users;
- Listens with patience and respect; and
- Produces written work that is clear, concise and well-reasoned.

Role of a Legal Member

Legal Members may sit alone or as part of a panel, depending on the type of case. Legal Members' duties include:

- Travel throughout Scotland, as required;
- Lead relevant proceedings and provide advice to other members and assistance to parties to the proceedings on the legal issues arising, ensuring proceedings are fair and efficiently managed;
- Explain the remit of the Tribunal, the manner and order of the proceedings and the procedure of the Tribunal to the parties;
- Be courteous and considerate to all Tribunal users and staff, and sensitive to people from different backgrounds;
- Engage positively and openly with parties and the public;
- Communicate effectively with all parties, taking steps to ensure that the views of others are heard;
- Work effectively as part of a team;
- Actively manage cases and promote the efficient dispatch of business;
- Weigh up potentially conflicting evidence and support the other members to reach an independent reasoned decision;
- Maintain up to date knowledge of relevant Social Security law, practice and procedures;
- Where appropriate, undertake pre-hearing work, including participating in and recording case conference calls, issuing written directions or decisions;

- Work collaboratively with other members of the Chamber and facilitate collective decision making, draft any written decision and statement of reasons and ensure the law is appropriately applied and all relevant issues are addressed in the decision;
- Ensure that parties, who are not always represented, can fully present their case and have it considered fairly;
- Ensure decisions, directions and any orders of the Tribunal are made efficiently, effectively and fairly and notified timeously; and
- Carry out all other tasks that may reasonably be required.

Fees and Expenses

The current fee in the Social Security Chamber is £496.66 per day. Travel and subsistence expenses will also be met.

There is no requirement for applicants to reside in Scotland. It should be noted that for members that reside outside of Scotland, expenses will not be reimbursed for travel outside of Scotland.

Time Commitment

The time commitment is expected to be not less than 10 days but not more than 30 days per year, depending on the volume of work of the tribunal. In addition, it is anticipated that there will be at least one day of mandatory training per year.

Period of appointment

By virtue of paragraph 4 of schedule 7 of the 2014 Act you will be automatically reappointed for periods of five years, unless one of the conditions listed in paragraph 4(3) of schedule 7 applies. You may decline automatic reappointment by providing one month's written notice to the Lord President that you do not wish to continue in post at the expiry of your current period in office.

You are required to vacate your office on the day on which you attain the age of 75.

Useful Links

[Social Security Chamber website](#)
[The Tribunals \(Scotland\) Act 2014](#)