



**JUDICIAL
APPOINTMENTS
BOARD FOR
SCOTLAND**

GUIDANCE NOTE AND ROLE PROFILE

FOR APPLICANTS WISHING TO BECOME:

LEGAL MEMBERS

**OF THE FIRST-TIER TRIBUNAL FOR SCOTLAND -
LOCAL TAXATION CHAMBER**

**The deadline for applications is
12.00 (midday) GMT, Thursday 6 January 2022**

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1. INTRODUCTION

The Judicial Appointments Board for Scotland invites applications from suitably qualified and capable individuals who wish to be considered for appointment as a **Legal Member, of the First-tier Tribunal for Scotland, and assigned to work within the Local Taxation Chamber (LTC)** (LTC title will be confirmed through regulations currently being developed). Successful applicants will acquire judicial status and capacity by virtue of section 14(1) of the Tribunals (Scotland) Act 2014.

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. ELIGIBILITY FOR APPOINTMENT AS A LEGAL MEMBER OF THE FIRST-TIER TRIBUNAL FOR SCOTLAND

The eligibility criteria for this appointment are stated at Section 32 and Schedule 3, Part 2 of the [Tribunals \(Scotland\) Act 2014](#) as updated by the Scottish Tribunals (Eligibility for Appointment) Regulations 2015 (regulation 4) which is available [here](#).

4. (1) A person is eligible for appointment as a legal member of the First-tier Tribunal for Scotland under paragraph 5(2) of schedule 3 to the [2014] Act if the person qualifies under paragraph (2).

(2) Subject to paragraph (5), a person qualifies under this paragraph, if the person has 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 activities listed in paragraph (3).

(3) The activities are -

- (a) exercising judicial functions in any court or tribunal;
- (b) practice or employment as a lawyer of any kind;
- (c) teaching or researching law at or for an educational institution.

(4) The 5 year period referred to in paragraph (2)(a) (and the 5 year period referred to in paragraph 5(1) of schedule 3 to the Act) may be calculated on a cumulative or a continuous basis.

(5) A person is not to be treated as having satisfied paragraph (2)(a), 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.

The following individuals are disqualified from becoming a Legal Member of the First-tier Tribunal: Members of the House of Commons, the Scottish Parliament, the European Parliament, the Scottish Government or Ministers of the Crown.

The Scottish Parliament (Disqualifications) Order 2015 also applies to this office.

3. THE ROLE DESCRIPTION

Please see below the role description (produced by the Scottish Government).

ROLE DESCRIPTION

FIRST-TIER TRIBUNAL FOR SCOTLAND LOCAL TAXATION CHAMBER¹ LEGAL MEMBERS

The Scottish Ministers are seeking to appoint 15 Legal Members to the First-tier Tribunal for Scotland and assigned to the Local Taxation Chamber. Appointments are made under Part 2 of Schedule 3 of the Tribunals (Scotland) Act 2014 (“the 2014 Act”).

The 2014 Act created a new simplified statutory framework for tribunals in Scotland, bringing existing tribunal jurisdictions together and providing a structure for new jurisdictions. The 2014 Act created two new tribunals, the First-tier Tribunal for Scotland and the Upper Tribunal for Scotland, known collectively as the Scottish Tribunals.

Subject to regulations, it is anticipated that the Local Taxation Chamber of the First-tier Tribunal (“the LTC”) will be established by the end of 2021. The functions of the Valuation Appeals Committees and the Council Tax Reduction Review Panel will transfer to the LTC on 1st January 2023. The valuation appeal functions of the Lands Tribunal for Scotland will transfer to the Upper Tribunal on the same date.

The LTC will deal with -

- valuation appeals and complaints under the Valuation Acts and Council Tax appeals under section 81(1) and 87(6) of the Local Government Finance Act 1992, which are currently heard by Valuation Appeals Committees by virtue of section 29(1)(a) of the Local Government etc. (Scotland) Act 1994;
- appeals against determinations made in respect of applications for Council Tax reduction under the Council Tax Reduction (Scotland) Regulations 2012 (as amended by SSI 2013/218), which are currently considered as reviews by the council tax reduction review panel under Part 11A of those Regulations;
- appeals against civil penalties under section 31 or section 34 of the Non-Domestic Rates (Scotland) Act 2020.

In addition, the First-tier Tribunal must manage tribunal proceedings in accordance with its overriding objective which is expected to apply to the Local Taxation Chamber (subject to regulations).

¹ Name of chamber subject to regulations.

For ease of reference, the overriding objective of the First-tier Tribunal is to deal with the proceedings justly which includes:

- (a) dealing with the proceedings in a manner which is proportionate to the complexity of the issues and the resources of the parties;
- (b) seeking informality and flexibility in proceedings;
- (c) ensuring, so far as practicable, that the parties are on equal footing procedurally and are able to participate fully in the proceedings, including assisting any party in the presentation of their case without advocating the course they should take;
- (d) using the special expertise of the First-tier Tribunal effectively; and
- (e) avoiding delay, so far as compatible with the proper consideration of the issues.

Comprehensive background information concerning the proposed Local Taxation Chamber can be found within the Scottish Government's [consultation document](#). This provides useful information on the Scottish Government's policy objectives, alongside the background to Valuation Appeal Committees and the Council Tax Reduction Review Panel, and which forms the basis for content of regulations etc.

Role of a Legal Member

Depending on the type of case, Legal Members may sit alone or as part of a panel, hearing appeals under the Valuation Acts, Council Tax appeals, appeals against a determination of an application for Council Tax reduction and civil penalty appeals under the Non-Domestic Rates (Scotland) Act 2020 Act.

Members will be required to:

1. communicate effectively with all parties;
2. lead and chair relevant proceedings and provide advice to other members on legal issues arising, ensuring proceedings are fair and efficiently managed;
3. actively manage cases and promote the efficient dispatch of business;
4. weigh up potentially conflicting evidence and support the other members to reach an independent and reasoned decision;
5. work collaboratively with other members of the Tribunal and facilitate collective decision making, draft any written decision & statement of reasons, ensure the law is appropriately applied and all relevant issues are covered in the decision;
6. be courteous and considerate to all Tribunal users and staff and sensitive to people from different backgrounds;
7. ensure parties can effectively present their case and have it considered fairly, including parties who are not represented;
8. ensure that decisions, directions and any other orders of the Tribunal are made efficiently, effectively and fairly, and notified timeously;
9. engage constructively in any involvement with the Head of the Scottish Tribunals (the Lord President), the President of the Scottish Tribunals, the Chamber President, other members of the Chamber and Tribunal and all Scottish Courts and Tribunal Service staff supporting the Tribunal;
10. travel throughout Scotland, as required; and
11. carry out all other tasks that may reasonably be required.

Time Commitment

The time commitment is expected to be in the order of 15 days per year, 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 in the order of four days training in the first year, with one day training per annum thereafter.

It is aimed to run most hearings by video conference or tele-conference. When in-person hearings are required, a range of locations and venues are expected to be used. These will be determined by where the appellant is based.

Furthermore, it will be usual to offer members local hearings close to home or within easy travelling distance.

Fees and Expenses

The daily fee is £387.21 per day. Travel and subsistence expenses, in line with any guidance issued, will also be met.

Period of appointment

By virtue of paragraph 4 of schedule 7 of the 2014 Act members are automatically reappointed for periods of five years, unless one of the following conditions, listed in paragraph 4(3) of schedule 7, applies–

- the member has declined to be reappointed,
- the member is ineligible for reappointment,
- the President of Tribunals has recommended to the Scottish Ministers that the member should not be reappointed.

Members may decline automatic reappointment by providing one month's written notice to the Lord President that they do not wish to continue in post at the expiry of their current period in office. A member is ineligible for reappointment only if the member would not be eligible for appointment to the position in accordance with the relevant provisions of the 2014 Act were they being appointed to the position for the first time.

Pursuant to section 26 of the Judicial Pensions and Retirement Act 1993, members are required to vacate their office on the day on which they attain the age of 70, except where the Scottish Ministers determine that it is desirable in the public interest for them to continue in office, for a period not exceeding one year at a time and not extending beyond the date on which they reach the age of 75.

Relevant legislation

The Tribunals (Scotland) Act 2014 is available [here](#).

The Scottish Tribunals (Eligibility for Appointment) Regulations 2015 (regulation 4) is available [here](#).

The Local Government etc. (Scotland) Act 1994 (section 29) is available [here](#).

The Local Government Finance Act 1992 (sections 81 and 87) is available [here](#).

The Council Tax Reduction (Scotland) Regulations 2012, as amended by SSI 2013/218 (part 11A), is available [here](#).
The Non-Domestic Rates (Scotland) Act 2020 Act is available [here](#).

4. SKILLS AND QUALITIES

We will assess each applicant against a set of essential skills and qualities that are necessary for the role as outlined below:

Tribunal qualities - Legal Member

Legal qualities	
Knowledge of the law	Interpretation and application of the law
<ul style="list-style-type: none"> • A high level of expertise in the applicant's area of practice • Good working knowledge of the relevant law or proven ability to master new specialities rapidly • Thorough knowledge of procedure and practice in Scottish courts or tribunals 	<ul style="list-style-type: none"> • Ability to analyse complex legal problems and apply the law correctly • Ability to analyse and interpret case law and statute
Personal and judicial qualities	
<p>Managing work efficiently</p> <ul style="list-style-type: none"> • Manages cases and time effectively • Is diligent and hardworking • Is confident in managing and chairing the hearing process • Is able to deliver work at speed and under pressure 	<p>Communicating effectively</p> <ul style="list-style-type: none"> • 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
<p>Exercising judgment</p> <ul style="list-style-type: none"> • 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 	<p>Working with others</p> <ul style="list-style-type: none"> • 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	
<ul style="list-style-type: none"> • Shows an understanding of and commitment to the role and to public service <ul style="list-style-type: none"> • Is self-aware and uses feedback and self-reflection to develop 	

5. THE PROCESS

You can view the whole assessment process, including guidance, hints and tips on our website: <https://www.judicialappointments.scot/process>.

6. ONLINE APPLICATION

The first time that you apply online for a judicial vacancy, you will be required to register on our website. If you have any difficulties, please contact the Business Management Unit on 0131 528 5101.

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

Applications received after 12.00 (midday) GMT on the closing date, Thursday 6 January 2022, 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 see the [application](#) section of our website before completing the form.

There are some areas that require instruction and these are detailed below:

7.1 Full Name

It is mandatory to include your full name, including any middle names, in your application as this will be used for essential consultation purposes if you are shortlisted for interview. We will consult with the following;

- Lord President
- Chief Executive of the Law Society of Scotland
- Chief Executive of the Scottish Legal Complaints Commission
- The Faculty of Advocates
- Crown Agent

7.2 Career history

We are aware that you may have more than one current role, however, the system only allows you to enter one current role. You should enter your main role in the “Current Job” section, and the others in the “Previous Job” section and in the section “To” enter the date that you submit your application

7.3 Self-Assessment

For information on how to complete this section, please refer to the [what we're looking for](#) and [application](#) sections of our website. Core skills and qualities for judicial posts including tribunal roles can be found at [what we're looking for](#).

Additional skills and qualities required for the role of LTC Member*.

*The required skills and qualities for this role are set out in section 4 in this Guidance and you should consider each criterion and all sub-criteria.

7.3.1 Legal knowledge, skills and competence

In addition to the information on our website, you should consider the following information for this role.

Your self-assessment should include specific examples which demonstrate depth of knowledge and competence in your own area(s) of legal practice and/or other relevant areas of work. It should also include example(s) which illustrate an ability to acquire and apply new areas of legal knowledge in depth and with speed and accuracy.

You are also asked to give **one** example of written work for which **you alone** have been responsible and explain, in no more than 100 words, how it demonstrates your knowledge of a relevant area of law and the qualities and skills used in the interpretation and application of this.

Written work should demonstrate your knowledge of relevant law and the skills and qualities used in interpretation and application.

Examples include:

- advice given to clients in the form of letters or memos
- opinions or notes
- written submissions or other written legal argument
- reports
- judgments
- stated cases
- decision letters given in a judicial, tribunal or similar capacity
- written advice given internally in a firm or other institutional environment
- any other written explanation of the law, and how that applies in the circumstances of a particular case or other factual situation.

The example that you choose should have a broad range, ideally be recent, and clearly demonstrate the legal competence criteria. Choose your written work carefully, making sure that it is concise and to the point.

Please indicate which section/s contain the analysis and application of the law that you wish us to consider.

You should **delete or redact any references to the identity of clients** or others in such documents. The selection panel will treat your examples in confidence.

Your written work example must be uploaded in PDF format.

To convert a Microsoft Word Document to PDF format you must:

1. Open the Microsoft document that you would like to convert to PDF.

2. Click 'File', then click 'Save As'
3. Click the 'File Format/ Save as type'
4. Select 'PDF' on the drop down list.
5. Click 'Export/ Save'. This will save your document as a PDF however, you will still have the original Word document.

7.4 Conflict of interest

You should declare any potential conflict of interest though a relationship with any Board / panel members or other reason.

Details of the full Board membership are on the JABS' website.

The Selection Panel comprises of Liz Burnley (Board Lay Member and Panel Chair); Deirdre Fulton (Board Chair and Panel Lay Member); Lord Minginish (Board Tribunals Member); and Aileen Devanny (President of Scottish Tribunals' representative).

The Selection Panel oversees the recruitment process, developing and approving paperwork including drafting questions etc. but is not directly involved with assessing applications or interviews.

The Legal Panel comprises of Gordon Macmillan (Board Lay Assistant and Panel Chair), Professor Derek Auchie (President of Scottish Tribunals' representative) and John McHugh (President of Scottish Tribunals' representative).

The Legal Panel is responsible for assessing applications, conducting interviews and making initial recommendations.

8. ENHANCED DISCLOSURE

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

An application form and guidance note will be sent to you after the invitation to interview letters have been issued should you be invited to interview.

We will ask you to complete the form and bring it to your interview for checking, but we will not send it to Disclosure Scotland unless you are recommended for appointment.

You are required to pay the cost of the Enhanced Disclosure check, which is £25.

9. FEEDBACK

In line with our [Feedback Policy](#), the provision of feedback, is usually not available for unsuccessful tribunal applicants (following shortlisting stage) due to the number of candidates and the resources available but is available upon request following interview.

10. TIMETABLE

DATE	Event
Wednesday 1 December 2021	Advertisement published
Thursday 6 January 2022 (12.00)	Closing date for application forms
Wednesday 2 February 2022	Applicants notified of outcome of initial assessment
These will be from mid/late March over a period of two weeks.	Interviews* These are anticipated to be face-to-face in Edinburgh but will be based on Scottish Government guidance, i.e. a virtual interview will take place if an in-person interview is not possible.
Week of Tuesday 19 April 2022 subject to confirmation	Board Decision Meeting
Week of Tuesday 19 April 2022 subject to confirmation	Applicants notified of outcome of interview
Week commencing Monday 25 April 2022 subject to confirmation	Recommendation for appointment* made to the Scottish Government. Formal appointment by Ministers will follow.

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

11. REASONABLE ADJUSTMENTS

We are committed to considering any reasonable adjustment requests, to ensure that you can participate in the appointment process fairly.

We will consider requests on a case-by-case basis and the information you give will not be used in the selection process.

If you are recommended for appointment, you should discuss any reasonable adjustment requests with the Judicial Office for Scotland.

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.