

Judiciary
of Scotland



Ordinary Member
(Surveyor)

Upper Tribunal
For Scotland





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A foreword from the President of Scottish Tribunals

Lady Wise



The Upper Tribunal plays a vital role within Scotland's system of administrative justice, providing authoritative and independent determination of appeals and complex cases across a wide range of subject areas.

Ordinary Members are central to the effective functioning of the Scottish Tribunals. By bringing professional knowledge and professional experience, particularly in areas such as valuation for rating, they enrich the decision-making process and support the delivery of well-reasoned and robust outcomes. Their contribution ensures that the Upper Tribunal for Scotland can address technically complex matters with confidence and credibility.

The role requires sound judgement, the ability to analyse detailed and often complex information, and a commitment to collaborative working alongside judicial colleagues. It also calls for a strong sense of public service and a clear understanding of the importance of independence and impartiality in judicial decision making.

We are committed to maintaining a Tribunal that is inclusive, user-focused, and responsive to the needs of those who come before it.

As an Ordinary Member dealing with appeals in non-domestic rates, you will play a key part in upholding these values and in ensuring that justice is delivered effectively and efficiently.

I encourage applicants who meet the criteria and who share our commitment to excellence in public service to consider this important and rewarding role.

History of the Scottish Tribunals

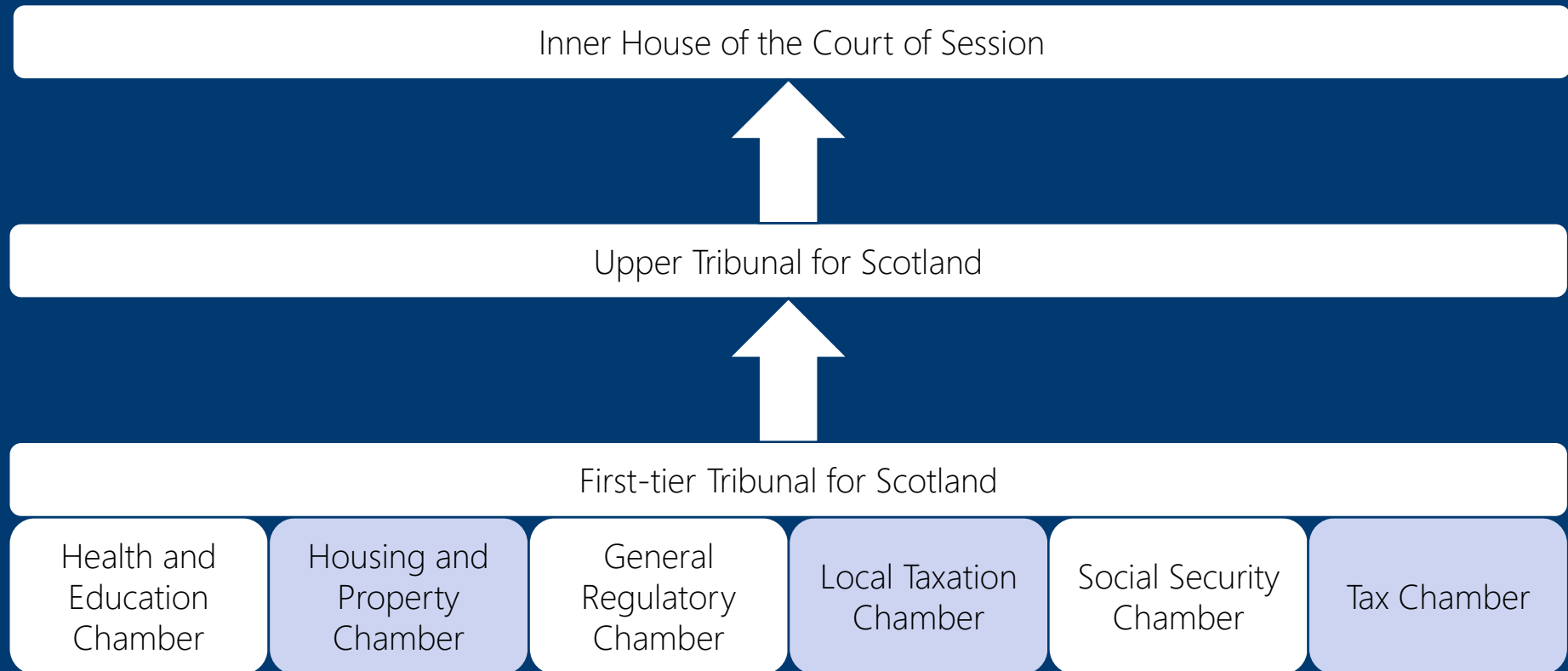
The Tribunals (Scotland) Act 2014 (the 2014 Act) created a statutory framework for the Tribunals in Scotland.

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. The First-tier Tribunal consists of a number of Chambers, each with its own jurisdiction and headed by a Chamber President. The First-tier Tribunal for Scotland deals with first instance decisions. These are cases heard at a tribunal for the first time.

The Upper Tribunal for Scotland hears appeals from the First-tier Tribunal as well as certain appeals which can only be appealed directly to the Upper Tribunal. In certain circumstances, some matters can be appealed from the Upper Tribunal for Scotland to the Court of Session.

The 2014 Act brought Tribunal appointments under the remit of the Judicial Appointments Board for Scotland (JABS) and transfers administrative support of Tribunals to the Scottish Courts and Tribunals Service (SCTS).

Structure of the Scottish Tribunals



The Upper Tribunal for Scotland and Eligibility

The Upper Tribunal for Scotland is located at the Glasgow Tribunals Centre, Atlantic Quay. The Upper Tribunal consists of judicial members, which are Senators and Sheriffs, as well as Legal Members and Ordinary Members with surveyor experience.

Non-domestic rates (business rates) appeals in Scotland follow a two-stage process, with the Local Taxation Chamber (First-tier Tribunal for Scotland) handling appeals after an appellant has submitted an initial proposal against a property valuation to the local assessor. Appeals can proceed to the Upper Tribunal for Scotland directly only for complex/technical cases referred to it or to challenge the First-tier Tribunal's decision on points of law. Applicants should carefully consider whether any of their current professional, business, or other commitments could give rise to actual or perceived conflicts of interest with the duties of an Ordinary Member of the Upper Tribunal for Scotland. This is particularly relevant for individuals who continue to practise in professions such as rating surveying. Guidance on identifying and managing conflicts of interest can be found in the [Guidance to Judicial Office Holders on Judicial Ethics in Scotland](#).

Eligibility

Ordinary members of the Upper Tribunal for Scotland, with surveyor experience, are judicial office holders appointed by the Scottish Ministers.

To be eligible, applicants must:

- Be a member or fellow of the Royal Institution of Chartered Surveyors (RICS); and
- Have at least 10 years' experience as such a member or fellow in matters relating to valuation for rating.

Applicants are required to confirm and evidence that they meet these experience requirements within the application form.

Becoming a judicial office holder

All members of the Upper Tribunal for Scotland are judicial office holders, and all take an oath of allegiance or affirmation to The King and a judicial oath to do right to all manner of people without fear or favour, affection or ill will. Judicial office holders are expected to follow the six Bangalore Principles are:

- Judicial independence
- Impartiality
- Integrity
- Propriety
- Ensuring equality of treatment
- Competence and diligence

The Bangalore Principles are discussed in the *Guidance to Judicial Office Holders on Judicial Ethics in Scotland* (2023), which you will find here: [Judiciary of Scotland website](#).

Working as part of a judicial body alongside fellow judicial office holders, you will play a crucial role in considering evidence and reaching fair and balanced decisions. You will bring valuable professional knowledge, sector expertise or lived experience to underpin practical outcomes for parties.

As a judicial office holder, you will act independently, uphold the highest of standards of integrity and confidentiality and ensure that all parties are treated with fairness, dignity and respect. You will be supported by training, policies and guides from the Judicial Office for Scotland and ongoing development opportunities.

This role offers a rewarding, exciting opportunity to contribute to public service, supporting accessible and professional justice while using your experience to make a meaningful contribution to the justice system.

Role of an Upper Tribunal Ordinary Member (Surveyor Experience)

Ordinary Members are appointed to sit as part of a judicial panel within the Upper Tribunal for Scotland. They contribute professional expertise and professional experience to support informed, balanced decision-making. Working collaboratively with the Judicial or Legal Member, Ordinary Members help to ensure the fair, impartial, and efficient determination of cases, delivering a high-quality, accessible, and timely service to tribunal users.

The role demands the ability to analyse complex information, apply sound professional judgement, and contribute to clear, well-reasoned decisions. Ordinary Members are expected to demonstrate the highest standards of professionalism and impartiality, alongside a strong commitment to delivering justice in a respectful, inclusive, and user-focused manner.

Ordinary Members will be required to:

Panel Participation and Decision-Making

- Sit as part of a panel and work collaboratively with other judicial office holders.
- Participate effectively and impartially in hearings and in the collective decision-making process.
- Possess the ability to analyse and assess complex evidence and arguments, weigh conflicting information, absorb a variety of facts and opinions and identify matters of relevance.

Expert Contribution

- Contribute professional expertise and experience to the tribunal's consideration and determination of appeals.
- Contribute to decisions and statements of reasons which accurately reflect the tribunal's findings and collective conclusions.

Conduct and Engagement

- Be courteous, considerate and respectful to all Tribunal users and staff.
- Demonstrate sensitivity to individuals from different backgrounds and circumstances.
- Engage openly, positively and effectively with parties and the public.

Preparation and Casework

- Read and familiarise themselves with case papers ("the bundle") in advance of hearings.
- Carry out any other reasonably required tasks that support tribunal proceedings.

Ordinary Members may be required to travel throughout Scotland and undertake site visits as part of their duties. Such visits can be physically demanding and may involve walking over fields, uneven terrain, or other challenging environments. In addition, hearings may take place outside Edinburgh and Glasgow where this is most appropriate for users. Reasonable adjustments will be considered where required, for example in relation to travel arrangements, accessibility of venues, participation in site visits, or the provision of appropriate support or equipment.

Professional, Personal and Judicial Qualities

As well as the statutory eligibility, applicants are also required to demonstrate judicial and personal qualities:

Applicants will possess the following qualities:

Professional Knowledge

- A high level of knowledge and expertise in rating matters, sufficient to deal with cases which will come before the Upper Tribunal.
- Willingness and ability to maintain the requisite professional and technical knowledge and skills.
- Credibility within the profession.

Working with others

- Work collaboratively and effectively as part of a team of judicial office holders and be proactive throughout the process, providing expert advice as necessary.
- Manage difficult and complex issues which may arise in hearings in an inclusive and supportive manner, with care and sensitivity.
- Is self-aware and uses feedback and self-reflection.

Exercising Judgement

- Remains impartial and open minded and is seen to be fair to all.
- Is able to absorb and distil complex arguments, summarise issues, and apply professional knowledge to support well reasoned decisions.
- Is able to focus on salient information and ask probing, focused questions in a way that is appropriate to those being questioned.

Managing Work Effectively

- Is able to deliver work to an appropriate standard while meeting case timetable deadlines.
- Is able to manage their own time, cases and other duties effectively.

Communicating Effectively

- Ability to communicate in an inclusive and respectful manner, varying style as necessary to meet the needs of judicial office holders, parties and witnesses.
- Listens with care, patience and respect.
- Participate fully in deliberations before, during and after the hearing, conveying complex professional knowledge clearly, and challenging other tribunal members appropriately where necessary.

Judicial Appointments Board for Scotland

The Judicial Appointments Board for Scotland (JABS) is an independent non-departmental public body whose statutory role is to make recommendations to the Scottish Ministers for appointment for judicial offices under the provisions of the Judiciary and Courts (Scotland) Act 2008.

The responsibilities of JABS under the 2008 Act are that:

- selection of an individual to be recommended for appointment must be solely on merit;
- the Board may select an individual only if it is satisfied that the individual is of good character; and
- in carrying out its functions, the Board must have regard to the need to encourage diversity in the range of individuals available for selection to be recommended for appointment to a judicial office. This is subject to the provisions in the first two bullet points above.

Candidates will go through a holistic application process which tests the level of skill, experience and professionalism required to perform the duties of the office.

JABS encourages diversity and particularly welcomes applications from groups currently under-represented in the judiciary. The principles of fair and open competition will apply and recommendation for appointment will be made solely on merit.

Each applicant will be assessed against a set of skills and qualities which are necessary for the role, which are shown in the diagram below.

The skills and qualities of an ordinary judicial office holder are highlighted in the following graphic.



Appointment and Remuneration

Fees and Expenses

The role is paid on a daily fee basis. Ordinary (Surveyor) members of the Upper Tribunal for Scotland are paid a total daily fee of £597.62. Travel and subsistence expenses will also be met in line with terms and conditions.

Upper Tribunal surveyor terms and conditions allow members to make a claim, at the full daily fee rate, for each day of up to 7.5 hours (excluding lunch breaks) given to the exercise of their functions. Upper Tribunal surveyor members may also claim at 50% of the full daily fee rate, for each day of up to 4 hours (excluding lunch breaks) given to the exercise of their functions. In addition to the substantive hearing functions include travelling throughout Scotland, carrying out site visits, and preparing for hearings.

Should candidates have any queries regarding fees and expenses they may email Tribunal.Policy@gov.scot.

There is no requirement for applicants to reside in Scotland. However, judicial office holders located outside of Scotland will not be reimbursed for travel expenses outside of Scotland.

Time Commitment

You are required to be available for not less than 15 days in each year, although the total time commitment could vary depending on the volume of work of the Chamber. The allocation of a minimum number of sitting days in any year is not guaranteed.

In addition to sittings, there is at least one annual mandatory training event. Additional training is offered throughout the year.

Period of appointment

You will be appointed for a period of 5 years (subject to the statutory retirement age). 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.

Pursuant to section 26 of the Judicial Pensions and Retirement Act 1993 you are required to vacate your office on the day on which you attain the age of 75.

The first few months after appointment

Measures are in place during the early stages of a new appointment. They are intended to provide support and reassurance to any new member and to accord with best practice. Whilst the training methods vary between the Scottish Tribunals, the following are examples of what a new member could expect on appointment:

- Induction training.
- Meeting operational staff from the Upper Tribunal team.
- Shadowing experienced judicial office holders to familiarise themselves with the judicial setting, which also provides an opportunity for discussion on how best to approach and prepare for hearings.
- Observing hearings.
- Training on relevant legislation.
- Lectures.
- Peer presentations.

A message from Craigie Marwick FRICS, Surveyor Judicial Member of the Lands Tribunal and former member of the Upper Tribunal



My background is as a Chartered Surveyor working for many years in private practice specialising in development, valuation and rating. I started my career in the former Lothian Regional Assessor's Department before moving to private practice, advising many large commercial ratepayers including the Scottish Government and UK departments. I joined the Lands Tribunal for Scotland in 2018 dealing with a range of land and property disputes which included the more complex rating appeals. In 2023 rating appeals were transferred from the Lands Tribunal to the Upper Tribunal where I was a member until recently.

Working on the Tribunal has enabled me to apply my rating knowledge and experience in a judicial environment. Hearing cases can be technically quite challenging, but it is always in an inclusive and supportive environment. For me, the combination of specialist and legal members and the different skills and knowledge they bring to the Tribunal is one of the great strengths of the system, supporting rounded and balanced judicial decision making that often sets the tone for future valuation practice. I also find that working collaboratively with legal colleagues, who have patiently educated me in procedure, evidence and the application of legal tests, as well as listening to and considering my professional contributions in the discussions which take place before, during and after tribunal hearings is both stimulating and rewarding.

In addition to technical rating knowledge, I would say that attention to detail and good listening skills are important personal qualities as well as respect, patience and courtesy. Ensuring that parties receive a considered and impartial hearing needs a flexible, open minded and collaborative approach to the issues at hand. 

A message from Lord Young, Judicial Member of the Upper Tribunal for Scotland

“As a Surveyor Member of the Upper Tribunal, you will bring professional property expertise to support the tribunal’s work in determining appeals relating to non-domestic rating in Scotland. Sitting alongside a legally qualified judicial member, you will play a key role in ensuring the fair and balanced resolution of cases referred from the Local Taxation Chamber of the First-tier Tribunal.

You will be responsible for evaluating technical valuation evidence, including rental data, property characteristics, and established valuation methodologies. Drawing on your professional surveying experience, you will ensure that complex property matters are thoroughly understood and appropriately assessed within the tribunal process.

By combining practical knowledge of the property sector with a clear, evidence-based approach, you will contribute to decisions that are robust, transparent, and grounded in both professional standards and legal principles. ”

Useful Links

- The Upper Tribunal for Scotland website

[Upper Tribunal for Scotland | Scottish Courts and Tribunals Service](#)

- Tribunals (Scotland) Act 2014

[Tribunals \(Scotland\) Act 2014 \(legislation.gov.uk\)](#)

- Scottish Tribunals Annual Report – 2024/25

[Scottish Tribunals Annual report](#)

- Judiciary of Scotland website

[Judiciary of Scotland](#)



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