

Jurisdiction Overview of First-Tier Tribunals

General Regulatory Chamber

Judges in GRC have a high level of expertise in regulatory matters, especially regarding Information Rights.

The GRC is a small, peripatetic Chamber which determines appeals against the decisions of a wide range of regulators. Our Judges sit at venues throughout England and Wales and work remotely with our administrative base in Leicester.

GRC Judges sit alone or with specialist non-legal members to decide appeals relating to:

- Charity
- Environment
- Estate agents
- Exam boards
- Food
- Gambling
- Immigration services
- Information rights/data protection
- Pensions
- Professional regulation
- Transport,
- and other jurisdictions.

For a fuller description of the Chamber's work, see <https://www.gov.uk/courts-tribunals/first-tier-tribunal-general-regulatory-chamber>

The busiest area of work in the Chamber consists of determining appeals against decisions of the Information Commissioner in relation to the Freedom of Information and Data Protection Acts. The next busiest jurisdictions are appeals against decisions of the Pensions Regulator (in relation to penalties for breach of employers' automatic enrolment requirements) and DVSA (in relation to the registration and removal from the register of driving instructors).

There is significant case management work in the Chamber, much of which is delegated to our legally-qualified Registrar but may by request be reconsidered by a Judge.

We are a forward-looking Chamber, involved in piloting new ways of working, including a "paperless" hearing room.

This vacancy is for the Chamber's second salaried Judge, who may be based in any HMCTS venue and will be expected to work closely with the other salaried Judge, who is the Chamber President.

Health, Education and Social Care Chamber

Mental Health

Hears applications and references for people detained under or subject to the Mental Health Act 1983 as amended by the Mental Health Act 2007, and directs the discharge of patients where the statutory criteria for continued detention are not satisfied.

In a typical fortnight a full time salaried mental health judge will be required to sit for 7 days and on those days, will travel from home to one or two different psychiatric hospitals within a designated area to hear applications and references. The judge will be required to write a decision after every hearing and the statutory timescales for submitting these require a quick response.

On the other three days a fortnight a salaried judge will work from the Royal Courts of Justice in London or the Civil Justice Centre in Manchester and will need to attend at their own expense.

On those days judges will be asked to deal with interlocutory matters, reviews of decisions and a variety of other strategic and administrative tasks which are allocated to them by the Deputy Chamber President. On some of these days and by agreement with the DCP and the Chamber President Judges may be able to work from home.

There may be opportunities to become involved in appraisal or training and other projects.

The next vacancies are likely to require periodic attendance at the Manchester office.

Care Standards

Hears appeals against decisions of the Secretary of State to restrict or bar an individual from working with children or vulnerable adults or in education and decisions to cancel, vary or refuse registration of certain health, childcare and social care provision in England and Wales.

Special Educational Needs and Disability

Hears appeals against decisions made by Local Education Authorities in England about the education of children with special educational needs and claims of disability discrimination in schools.

Primary Health Lists

Hears appeals/applications arising from decisions made by Primary Care Trusts and NHS England in England and Health Boards in Wales as part of the local management of lists of General Practitioners, Dentists, Optometrists and some Pharmacists who are able to provide NHS services.

SEND/CS and PHL are national and England and Wales jurisdictions and judges are appointed to sit across the three jurisdictions. Judges work from home or are based at their nearest HMCTS hearing centre and travel to hearings, with overnight stays when necessary to meet the Chamber's business need, attend monthly meetings at the administrative office in Darlington and undertake remote box work electronically as necessary.

Immigration and Asylum Chamber

The Immigration and Asylum Chamber deals with some of the most interesting and high-profile cases to be found anywhere in tribunals. Appeals from the Secretary of State for the Home Department are adversarial. In most cases both parties are represented, and often by counsel. You will need to be able to develop judge-craft skills dealing with some of the most vulnerable people.

In many cases the Tribunal works closely with the Family Court, particularly in cases involving children where one of the parents is a foreign national.

The sorts of matters which you would be expected to resolve include:

- persons seeking international protection in the United Kingdom (asylum or humanitarian protection). Some of the appellants, for example, will have suffered from the most appalling trauma; been trafficked into prostitution or slave labour; been at risk because of gender or sexuality. You will need to be able to make findings of fact, and thereafter correctly apply the law;
- some of the most high-profile cases include those convicted of serious offences in respect of whom the Secretary of State has decided to make a Deportation Order. You will need to consider the human rights of these appellant and resolve whether despite the individuals' criminality the circumstances outweigh the public interest in removal. In other cases, you may be required to decide if a person should lose their British nationality because of their conduct;
- Should the wife or husband or child be allowed to come to the United Kingdom to enjoy family life with the family here or should that family life be enjoyed overseas? These are not

easy appeals to resolve but as a Judge you will need to be able to decide where the public interest lies;

- Do EEA Regulations apply (including freedom of movement)? Is the marriage genuine or a sham? Are there public security reasons sufficient to justify the removal of an EEA citizen from the United Kingdom?
- Should a person held in immigration detention be released on bail?

You will be required to keep up to date with current affairs; have a good understanding of geopolitics; and decide applications for permission to appeal to the Upper Tribunal. Additionally, you may be called upon to assist with training and carry out appraisals of colleagues.

Excellent training in the law; IT and judge-craft is provided to equip you for a rewarding career in the judiciary.

Property Chamber

Judges in the Property Chamber have a high level of expertise in property and landlord and tenant litigation.

The Property Chamber deals with numerous disputes in landlord and tenant, housing and real property law. Cases are predominantly *party v party*. The jurisdictions are varied and interesting. The Chamber has three divisions: Residential Property, Land Registration and Agricultural Land and Drainage. Salaried judges are sought for the RP and LR divisions.

Residential Property

The jurisdictions include:

Leasehold

- Service charges and Administration charges
- Appointment of managers and Right to Manage
- Lease variation
- Tenant's breach of covenant
- Enfranchisement valuation and terms

Housing

- Appeals against local authority enforcement notices
- Appeals against financial penalties for housing offences
- Banning orders
- Houses in Multiple Occupation – licencing and management
- Rent Repayment Orders
- Local authority management orders

Rents

- Assessment of market rents
- Assessment of fair rent

Park Homes disputes

- Private disputes under the Mobile Homes Act
- Licencing

The Residential Property division has five regional offices: London, Northern, Eastern, Midland and Southern. It hears cases across the country in the locality of the property which is the subject matter of the dispute, usually in HMCTS buildings but also in buildings hired for the purpose. The Tribunal sits in a Panel of two or three persons: a judge (or valuer chairman) and one or two wing members, one of whom may be a valuer or other housing expert. Judges take the lead on the legal aspect of the dispute and for that purpose are expected to stay up to date with statutory and caselaw

developments. The level of representation varies by jurisdiction but at least 60 per cent of litigants are in person. In some cases, judges sit concurrently in both the tribunal and county court landlord and tenant jurisdictions and knowledge of CPR is helpful.

All salaried judges are based in one of the regional offices and except in London, will be required to travel across the whole region to sit. Salaried judges may be expected to assist in the management of a region, for example by carrying out appraisals.

Land Registration

The jurisdictions include:

- Changes to the register
- Title, beneficial interests and notices
- Adverse possession
- Boundary disputes

All Land Registration salaried judges are based in London but are expected travel to sit throughout England and Wales. Hearings are formal and are usually held in HMCTS court or tribunal buildings. The vast majority of cases are references from HM Land Registry and can be technical and challenging. As well as having a good grounding in property law, judges are expected to stay up to date with statutory and caselaw developments. Land Registration judges sit alone. Representation varies but about 50 of litigants are in person.

Social Entitlement Chamber

Asylum Support

Hears appeals from decisions made by the UK Border Agency to refuse or terminate support for asylum seekers, such as the provision of accommodation and cash for essential needs. Appeals in this jurisdiction are always heard in London.

Social Security and Child Support

Deals with disputes about:

- Income Support
- Jobseeker's Allowance
- Incapacity Benefit
- Employment Support Allowance
- Disability Living Allowance
- Attendance Allowance
- Child Support
- Tax Credits
- State Pension
- Statutory sick pay and maternity pay
- Compensation Recovery Scheme/ Road Traffic (NHS) charges
- Vaccine Damage Compensation
- Mesothelioma
- Housing Benefit and Council Tax Benefit
- Universal Credit
- Personal Independence Payment

The SSCS jurisdiction has regional offices in London, Glasgow, Birmingham, Leeds, Newcastle, Liverpool and Cardiff. Salaried Judges are allocated to a regional office and have responsibility for a District within their allocated region. Appeals are heard at venues across the country in HMCTS and non HMCTS buildings. Frequently appeals involve appellants who are disabled, vulnerable and for whom English is not their first language. Parties are often unrepresented. Many cases are high profile appeals with far reaching consequences for the parties involved. Tribunals consist of a Judge sitting alone or with a Medical, Disability or Financial Qualified Member depending upon the expertise required to determine the appeal. Salaried Judges are expected to undertake leadership and management functions, such as the appraisal and mentoring of fee paid colleagues. Salaried Judges are also expected to undertake case management work.

Criminal Injuries Compensation

Hears appeals against decisions of the Criminal Injuries Compensation Authority regarding eligibility for and calculation of financial compensation for victims of crimes of violence. Appellants are often traumatised by their experiences and the appeals are very sensitive. The appeals are processed in Glasgow but heard in HMCTS venues throughout England, Wales and Scotland. Any salaried Judge would be expected to visit Glasgow and sit throughout the jurisdiction from time to time but predominantly sit within proximity of their home address (depending upon location). A Tribunal consists of a Judge sitting alone or on a panel of two or three. Salaried Judges are expected to undertake leadership and management functions, including training, appraisals and mentoring and to conduct case management work.

Tax Chamber

Judges in the Tax Chamber have a high level of expertise in tax.

The Tax Chamber hears appeals by individuals, corporate bodies and organisations against decisions made by HM Revenue and Customs ('HMRC') relating to taxes both direct (such as income tax, corporation tax, capital gains tax, PAYE and NICs) and indirect (such as VAT and stamp duty land tax) and duties (such as customs duty and excise duty). These can also include appeals against penalties (often significant in amount) imposed by HMRC. The Chamber also hears appeals brought against decisions of HMRC or Border Force relating to restoration of seized goods and against some decisions made by the National Crime Agency.

The Chamber also determines appeals from decisions of the Compliance Officer for the Independent Parliamentary Standards Authority in relation to MPs' expenses claims and appeals against penalties for failing to register under the money laundering regulations. Many of the penalty and restoration appeals raise human rights issues and some, e.g. where allegations of dishonest conduct are made, are subject to Article 6 ECHR safeguards.

Appeals may relate to a range of amounts from hundreds of pounds to hundreds of millions (e.g. £842 million in a single landfill tax appeal) and implications for others running into billions of pounds (e.g. recent decisions relating to fixed odds betting terminals).

Many of the cases are straightforward and can be dealt with in a morning or less but others are of equivalent weight and complexity to those in the High Court and can take several days or even weeks.

The nature of the appeals means that judges of the Chamber must be able to engage in discussion of the technical issues with leading counsel in one case while, in another, be able to explain those same issues to an unrepresented taxpayer in a way that is clear and comprehensible. The primary duty of the judges is to ensure that appeals are dealt with fairly and justly and this may require the judge to take an active, but not necessarily inquisitorial, role at the hearing to ensure that all relevant matters are considered even if not specifically pleaded by the parties.

Judges in the Tax Chamber have a high level of expertise in tax.

The principal activities of a Judge of the Tax Chamber include:

- preparation for hearings, by reading and assimilating papers in an appeal before it commences, including the study of written documents and reports;
- presiding over hearings, appeals or applications as a single member or as part of a panel, usually chairing the panel;
- the determination of appeals, finding facts applying the relevant law and giving a reasoned, written determination, referring to established case law and guidance as appropriate;
- dealing with applications for permission to appeal to the Upper Tribunal.

You will be required to keep up to date with developments in tax law and to attend the annual residential conference for Judges of the Tax Chamber and other training events that may be arranged from time to time.

War Pension and Armed Forces Compensation Chamber

Hears appeals from former members of the Armed Forces against the Secretary of State for Defence in respect of all claims for War Pensions and Armed Forces Compensation.