POLICY NOTE

THE FIRST-TIER TRIBUNAL FOR SCOTLAND (CHAMBERS) REGULATIONS 2016

SSI 2016/xxx

1. The above instrument was made in exercise of the powers conferred by section 20(2) of the Tribunals (Scotland) Act 2014. The instrument is subject to *affirmative procedure*.

Policy Objectives

2. The Tribunals (Scotland) Act 2014 (the "2014 Act") creates a new two-tier structure for tribunals in Scotland – a First-tier Tribunal (FTT) for first decisions and an Upper Tribunal (UT) primarily for appeals from the FTT. These tribunals are to be known collectively as the Scottish Tribunals.

3. The 2014 Act provides that the FTT is to be organised into a number of Chambers containing similar subject matter jurisdictions. These regulations provide for the creation of five Chambers into which the tribunals listed in Schedule 1 of the 2014 Act will be transferred. The Act also allows new jurisdictions to be assigned to a relevant Chamber.

4. The Chambers that will be created by these regulations are:

- a Mental Health Chamber;
- a Housing and Property Chamber;
- a Health and Education Chamber;
- a General Regulatory Chamber; and
- a Tax Chamber.

5. The 2014 Act also allows the UT to be divided into divisions however, at present there are no plans to do this.

6. Fuller details of the policy objectives relating to the 2014 Act are described in the Policy Memorandum which accompanied the Tribunals (Scotland) Bill 2014. The link below shows the passage of the Bill through Parliament and includes the Policy Memorandum.
http://www.scottish.parliament.uk/parliamentarybusiness/Bills/62938.aspx

Consultation

7. To comply with the requirements of section 11(1)(b) of the 2014 Act a consultation with interested parties took place between April and July 2015 these included the tribunals listed in Schedule 1 of the 2014 Act including the Mental Health Tribunal for Scotland, the Additional Support Needs Tribunals for Scotland, the Lands Tribunal and a number of other individuals and organisations.

8. These regulations also require the approval of the Lord President (section 11(1)(a)). The Acting Lord President, Lord Carloway, was consulted in September 2015 and has subsequently indicated that he is content with the proposed structure.

Impact Assessments

9. An equality impact assessment was completed for these regulations and showed that the regulations are intended to apply equally and appear to have no differential effect on the basis of the protected characteristics.

10. The Equality Impact Assessment is available on the Scottish Government's website at the link below:
http://www.gov.scot/Topics/People/Equality/18507/EqualityImpactAssessmentSearch

11. An equality impact assessment has already been completed covering the wider issues as part of the Tribunals (Scotland) Bill process – see link below for further information.
http://www.scotland.gov.uk/Resource/0042/00421637.pdf

12. A Business and Regulatory Impact Assessment is not required as the instrument has no financial effects on the Scottish Government, local government, the third sector or on business.

Scottish Government
Justice Directorate
August 2016