Draft Regulations laid before the Scottish Parliament under section 79(2)(c) of the Tribunals (Scotland) Act 2014, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2025 No.

TRIBUNALS AND INQUIRIES

The First-tier Tribunal for Scotland General Regulatory Chamber Police Appeals and Upper Tribunal for Scotland (Composition) Regulations 2025

Made - - - -	*2025*
Coming into force - -	*29th December 2025*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 10(2), 38(1) and 40(1) of the Tribunals (Scotland) Act 2014(**a**) and all other powers enabling them to do so.

In accordance with section 11(2) of that Act, they have consulted the President of Tribunals.

In accordance with section 79(2)(c) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the First-tier Tribunal for Scotland General Regulatory Chamber Police Appeals and Upper Tribunal for Scotland (Composition) Regulations 2025 and come into force on 29 December 2025.

(2) In these Regulations—

"Chamber President" means the Chamber President of the First-tier Tribunal,

"Police Appeals Case" means proceedings before the First-tier Tribunal for Scotland General Regulatory Chamber, when exercising the functions allocated to it by regulation 2(1) of the First-tier Tribunal for Scotland (Transfer of Functions and Members of the Police Appeals Tribunal) Regulations 2025(**b**),

"First-tier Tribunal" means the First-tier Tribunal for Scotland General Regulatory Chamber, and

"Upper Tribunal" means the Upper Tribunal for Scotland.

(**a**) 2014 asp 10. Amendments to which are not relevant to these Regulations.
(**b**) S.S.I. 2025/XXX.

Composition of First-tier Tribunal

2. The First-tier Tribunal, when convened at the start of proceedings to decide any matter in a Police Appeals Case, must consist of three legal members.

Composition of Upper Tribunal hearing appeals from First-tier Tribunal

3.—(1) The Upper Tribunal, when convened to decide an appeal to the Upper Tribunal in a Police Appeals Case decided by the First-tier Tribunal, must consist of—

(a) a member of the Upper Tribunal acting alone,

(b) two or three members of the Upper Tribunal,

(c) the Chamber President (except a temporary Chamber President), acting either alone or with no more than two members of the Upper Tribunal,

(d) the President of Tribunals, acting alone or with the Chamber President or with no more than two members of the Upper Tribunal, or

(e) the Lord President, acting alone or with the Chamber President or with no more than two members of the Upper Tribunal.

(2) The Chamber President referred to in paragraph (1) must not have had any involvement in the case prior to the appeal of the case to the Upper Tribunal.

(3) For the purposes of this regulation a member of the Upper Tribunal may be a legal member or a judicial member.

(4) The authority to determine the composition of the Upper Tribunal in respect of the alternative compositions referred to in paragraph (1) is delegated to the President of Tribunals, including—

(a) determining whether a member acting alone is to be a legal member or a judicial member,

(b) determining, in other cases, how many members are to be legal members and how many members are to be judicial members.

(5) In this regulation "judicial member" means a judge of the Court of Session or a sheriff.

Name
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
Date

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision as to the composition of the First-tier Tribunal for Scotland when dealing with police appeals in the General Regulatory Chamber. They also make provision as to the composition of the Upper Tribunal for Scotland when hearing police appeals.

These two tribunals were established by the Tribunals (Scotland) Act 2014. The First-tier Tribunal is divided into chambers according to the subject matter of the case, with the General Regulatory Chamber hearing a range of diverse matters which will include police appeals. Members of the tribunals can be legal members or judicial members in accordance with criteria set out in the Tribunals (Scotland) Act 2014 and regulations made under that Act. This instrument sets out which member or members may hear police appeals in the two tribunals.

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