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

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2026 No.

TRIBUNALS AND INQUIRIES

The First-tier Tribunal for Scotland (Transfer of Functions and Members of the Police Appeals Tribunal) Amendment Regulations 2026

Made - - - -	***
Coming into force - -	*26th November 2026*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 28(2), (6) and (7) of the Tribunals (Scotland) Act 2014(**a**) and all other powers enabling them to do so.

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

Citation and commencement

1. These Regulations may be cited as the First-tier Tribunal for Scotland (Transfer of Functions and Members of the Police Appeals Tribunal) Amendment Regulations 2026 and come into force on 26 November 2026.

Amendment of the First-tier Tribunal for Scotland (Transfer of Functions and Members of the Police Appeals Tribunal) Regulations 2025

2.—(1) Schedule 2 of The First-tier Tribunal for Scotland (Transfer of Functions and Members of the Police Appeals Tribunal) Regulations 2025(**b**) (consequential amendments, repeals and revocations) is amended in accordance with paragraph (2).

(2) In paragraph 1 (amendment of the Police and Fire Reform (Scotland) Act 2012(**c**)), after sub-paragraph (2)(a), insert—

> "(aa) in subsection (1A), for "a police appeals tribunal" substitute "the First-tier Tribunal",".

(**a**) 2014 asp 10. Amendments to which are not relevant to these Regulations.
(**b**) S.S.I. 2025/378.
(**c**) 2012 asp 8 ("the 2012 Act"). The 2012 Act is relevantly amended by sections 2 to 10 of the Police (Ethics, Conduct and Scrutiny) (Scotland) Act 2025 (asp 5).

A member of the Scottish Government

St Andrew's House
Edinburgh

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the First-tier Tribunal for Scotland (Transfer of Functions and Members of the Police Appeals Tribunal) Regulations 2025 ("the 2025 Regulations").

The Police Appeals Tribunal was set up by the Police and Fire Reform (Scotland) Act 2012 ("the 2012 Act") to deal with appeals under section 56(1) of that Act.

The 2025 Regulations transferred the functions and members of the Police Appeals Tribunal to the First-tier Tribunal for Scotland. Those functions relate to appeals by constables against certain decisions. The 2025 Regulations also abolished the Police Appeals Tribunal.

Section 10 of the Police (Ethics, Conduct and Scrutiny) (Scotland) Act 2025 amends section 56 of the 2012 Act to insert a new subsection (1A), which gives senior officers an additional right of appeal to the Police Appeals Tribunal. Section 10 is commenced on 26 November 2026 by the Police (Ethics, Conduct and Scrutiny) (Scotland) Act 2025 (Commencement No. 2 and Transitional Provision) Regulations 2026. From that date, it will create an additional right of appeal in relation to disciplinary action other than dismissal or demotion taken against senior officers in conduct cases.

The functions of the Police Appeals Tribunal having been transferred to the First-tier Tribunal by the 2025 Regulations, and the Police Appeals Tribunal having been abolished, the new right of appeal can only be to the First-tier Tribunal and not the Police Appeals Tribunal.

Regulation 2 of these Regulations amends the consequential provision in schedule 2 of the 2025 Regulations by substituting, in section 56(1A) of the 2012 Act, the reference to a Police Appeals Tribunal with a reference to the First-tier Tribunal, in order to give full effect to the transfer of functions to the latter.

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