Draft Regulations laid before the Scottish Parliament under section 79(2)(a) and (b) 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 (Transfer of Functions and Members of the Police Appeals Tribunal) 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 20(2)(b), 28(2) and 79(1)(b) and paragraph 1(1) of schedule 2 of the Tribunals (Scotland) Act 2014(**a**) and all other powers enabling them to do so.

In accordance with section 11(1)(a) and (b) of that Act, the Scottish Ministers have obtained the Lord President's approval and have consulted such other persons as they considered appropriate.

In accordance with section 79(2)(a) and (b) of that Act(**b**), 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 (Transfer of Functions and Members of the Police Appeals Tribunal) Regulations 2025 and come into force on 29 December 2025.

(2) In these Regulations—

"the 2012 Act" means the Police and Fire Reform (Scotland) Act 2012(**c**),

"the 2014 Act" means the Tribunals (Scotland) Act 2014,

"constable" has the meaning given by section 99(1) of the 2012 Act,

"First-tier Tribunal" means the First-tier Tribunal for Scotland,

"Police Appeals Tribunal" means a tribunal constituted under paragraph 1 of schedule 3 of the 2012 Act.

(**a**) 2014 asp 10. Amendments to which are not relevant to these Regulations.

(**b**) The powers to make these Regulations are exercised together by virtue of section 33(2) of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10). These Regulations are subject to the affirmative procedure by virtue of section 33(3) of that Act.

(**c**) 2012 asp 8 ("the 2012 Act") as relevantly amended by the Police (Ethics, Conduct and Scrutiny) (Scotland) Act 2025 (asp 5) ("the 2025 Act").

Transfer of functions of the Police Appeals Tribunal to the First-tier Tribunal and abolition of the Police Appeals Tribunal

2.—(1) The functions of the Police Appeals Tribunal are transferred to the First-tier Tribunal with allocation to the First-tier Tribunal General Regulatory Chamber.

(2) The following are abolished—

(a) the Police Appeals Tribunal, and

(b) the panel established under paragraph 1(2)(a) of schedule 3 of the 2012 Act.

(3) In paragraph (1), "functions of the Police Appeals Tribunal" means the functions of determining an appeal to the tribunal against any decision to dismiss or demote a constable in rank, taken in pursuance of regulations made under section 48 of the 2012 Act.

Transfer of members of the Police Appeals Tribunal to the First-tier Tribunal

3.—(1) Subject to paragraphs (2) and (3), the members of the Police Appeals Tribunal immediately before 29 December 2025 are transferred to and become legal members of the First-tier Tribunal.

(2) The persons transferred to the First-tier Tribunal under paragraph (1) are (subject to the provisions of the 2014 Act) to be members of the First-tier Tribunal in accordance with terms and conditions to be offered by the Scottish Ministers immediately before transfer, which are to supersede any existing terms and conditions of appointment.

(3) Paragraph (1) does not apply to any member of the Police Appeals Tribunal if the member has already been transferred to and is a member of the First-tier Tribunal by virtue of regulations made under section 28(2) of the 2014 Act which were in force prior to these Regulations coming into force.

(4) In paragraph (3), "member of the Police Appeals Tribunal" means a member appointed to the tribunal under paragraph 1(2)(b) of schedule 3 of the 2012 Act from the panel appointed under paragraph 1(2)(a) of that schedule.

Transitional and savings provisions

4. Schedule 1 of these Regulations contains transitional and savings provisions.

Consequential amendments, repeals and revocations

5. Schedule 2 of these Regulations contains consequential provisions.

Name
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
Date

SCHEDULE 1

Regulation 4

Transitional and savings provisions

References, claims and proceedings in progress before the Police Appeals Tribunal immediately before 29 December 2025 to transfer to the First-tier Tribunal

1. Any appeal to the Police Appeals Tribunal in progress immediately before 29 December 2025 but not yet determined and any other proceedings before the Police Appeals Tribunal in progress immediately before that date are to be transferred to and completed by the First-tier Tribunal.

2. So far as possible, an appeal or proceeding referred to in paragraph 1 is to be heard and determined before the First-tier Tribunal with the same persons as were prior to 29 December 2025 hearing the case as members of the Police Appeals Tribunal.

Decisions, directions and orders of the Police Appeals Tribunal to continue in force

3. Any decision (whether or not called a decision), direction or order given or made in or in respect of an appeal to, and proceedings before, the Police Appeals Tribunal in force immediately before 29 December 2025 remains in force on and after that date as if it were a decision, direction or order of the First-tier Tribunal.

Time limits in respect of appeals to, and proceedings before, the Police Appeals Tribunal to carry over to the First-tier Tribunal

4. Any time limit which has started to run before 29 December 2025 in respect of appeals to, and proceedings before, the Police Appeals Tribunal (and which has not expired) is to continue to apply where appeals and proceedings are transferred to the First-tier Tribunal.

SCHEDULE 2

Regulation 5

Consequential amendments, repeals and revocations

Amendment of the Police and Fire Reform (Scotland) Act 2012

1.—(1) The 2012 Act(**a**) is amended as follows.

(2) In section 56 (right to appeal to police appeals tribunal)—

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

(b) subsection (3) is repealed,

(c) the title of Chapter 9 becomes "APPEALS TO THE FIRST-TIER TRIBUNAL", and

(d) the section title becomes "**Right to appeal to the First-tier Tribunal**".

(3) Section 57 (representation) is repealed.

(4) In section 58 (determinations by tribunal)—

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

(b) in subsection (2), after "determination" insert "of the First-tier Tribunal",

(c) in subsection (3), for "a police appeals tribunal" substitute "the First-tier Tribunal",

(d) in subsection (4)—

(i) for "tribunal" substitute "First-tier Tribunal",

(ii) For "tribunal's" substitute "First-tier Tribunal's",

(e) in subsection (5), for "tribunal" in both cases where it occurs substitute "First-tier Tribunal".

(5) Section 59 (powers to obtain information) is repealed.

(6) In section 99(1) (interpretation)—

(a) after the entry for "deputy chief constable" insert—

""the First-tier Tribunal" means the First-tier Tribunal for Scotland established by section 1 of the Tribunals (Scotland) Act 2014,",

(b) omit the entry for "police appeals tribunal".

(7) Schedule 3 (police appeals tribunals) is repealed.

Amendment of the Police Service of Scotland (Senior Officers) (Conduct) Regulations 2013

2. In regulation 26(10) (appeal procedure) of the Police Service of Scotland (Senior Officers) (Conduct) Regulations 2013(**b**), for "a police appeals tribunal" substitute "the First-tier Tribunal".

Revocation of the Police Appeals Tribunals Rules

3. The following Rules are revoked—

(a) the Police Appeals Tribunals (Scotland) Rules 2013(**c**), and

(b) the Police Appeals Tribunals (Scotland) Amendment Rules 2020(**d**).

(**a**) The 2012 Act is amended by sections 1 to 9 and prospectively amended by section 10 of the 2025 Act.
(**b**) S.S.I. 2013/62 as amended by section 3(4) of the 2025 Act, S.S.I. 2014/68 and S.S.I. 2020/453.
(**c**) S.S.I. 2013/63 as amended by S.S.I. 2016/51 and S.S.I. 2020/454.
(**d**) S.S.I. 2020/454.

Amendment and revocation of the Police Service of Scotland (Senior Officers) (Performance) Regulations 2016

4. The Police Service of Scotland (Senior Officers) (Performance) Regulations 2016(**a**) are amended as follows—

(a) in regulation 35(4) (finding), for "a police appeals tribunal" substitute "the First-tier Tribunal",

(b) regulation 40 (police appeals tribunal rules 2013) is revoked.

Amendment of the Police Service of Scotland (Conduct) Regulations 2014

5. In regulation 26(5) (outcome of appeal) of the Police Service of Scotland (Conduct) Regulations 2014(**b**), for "a police appeals tribunal" substitute "the First-tier Tribunal".

Amendment and revocation of the Police Service of Scotland (Performance) Regulations 2014

6. The Police Service of Scotland (Performance) Regulations 2014(**c**) are amended as follows—

(a) in regulation 46(7) (outcome of appeal), for "a police appeals tribunal" substitute "the First-tier Tribunal",

(b) regulation 47 (police appeals tribunal rules 2013) is revoked.

(**a**) S.S.I. 2016/51.
(**b**) S.S.I. 2014/68 as amended by section 3(5) of the 2025 Act.
(**c**) S.S.I. 2014/67.

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Police Appeals Tribunal was set up by the Police and Fire Reform (Scotland) Act 2012 to deal with appeals under section 56(1) of that Act against a decision to dismiss or demote a constable in rank.

These Regulations make provision for the transfer to the First-tier Tribunal for Scotland of the functions and members of the Police Appeals Tribunal. The First-tier Tribunal was set up by section 1 of the Tribunals (Scotland) Act 2014. It is divided into chambers, with the chambers hearing cases according to the subject matter of the case. The functions of the Police Appeals Tribunal are transferred to the First-tier Tribunal for Scotland with allocation to the General Regulatory Chamber.

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