POLICY NOTE

THE FIRST-TIER TRIBUNAL FOR SCOTLAND (TRANSFER OF FUNCTIONS OF THE HOMEOWNER HOUSING COMMITTEES) REGULATIONS 2016

SSI 2016/xxx

1. The above instrument was made in exercise of the powers conferred by sections 20(2), 28(2) and 79(1) of the Tribunals (Scotland) Act 2014 (the 2014 Act).

Policy Objectives

2. The 2014 Act allows the Scottish Ministers to transfer the functions of tribunals listed in schedule 1 to the Scottish Tribunals.

3. These regulations transfer into the Scottish Tribunals the existing functions of the homeowner housing committees (hohcs), in so far as practicable. Upon transfer the hohcs will be abolished and cases will be heard first in the First-tier Tribunal for Scotland Housing and Property Chamber (First-tier Tribunal), with onward appeals to the Upper Tribunal for Scotland (Upper Tribunal).

4. These regulations also set out transitional arrangements for the handling of cases during transfer. Cases in progress on the day of transfer will be continued in the First-tier Tribunal with the same members hearing the case, wherever possible. Unexercised rights of appeal will be to the Upper Tribunal as opposed to the Sheriff Court. If a party has already exercised its right of appeal prior to the transfer day then the appeal will continue to be heard in the Sheriff Court.

5. Fuller details of the policy objectives relating to the 2014 Act are described in the Policy Memorandum which accompanied the Tribunals Bill. 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

6. A consultation with interested parties took place between September and December 2015. There were 24 responses to this consultation. The responses are available on the Scottish Government website:
https://consult.scotland.gov.uk/tribunals-administrative-justice-policy/second-consulatation-tribunals-scotland-act-2014

Impact Assessments

7. 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.

8. 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

9. An Equality Impact Assessment was also completed for the Tribunals (Scotland) Bill – see link below:

http://www.scotland.gov.uk/Resource/0042/00421637.pdf

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

Scottish Government
Learning and Justice Directorate
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