POLICY NOTE

THE SCOTTISH TRIBUNALS (LISTED TRIBUNALS) REGULATIONS 2017

SSI 2017/xxx

1. The above instrument was made in exercise of the powers conferred by section 27(2) of the Tribunals (Scotland) Act 2014 (the 2014 Act) and all other powers enabling them to do so.

Policy Objectives

2. The 2014 Act allows the Scottish Ministers to modify the list of tribunals that will transfer into the Scottish Tribunals in Schedule 1 to the 2014 Act.

3. These regulations remove the Crofting Commission and its functions from the list of tribunals in Schedule 1 to the 2014 Act. The list of tribunals was taken from a report by the Administrative Justice and Tribunals Council (AJTC) which listed tribunals they considered to be devolved Scottish tribunals. The AJTC was a UK body (with a Scottish Committee) established by the Tribunals Courts and Enforcement Act 2007. The AJTC's remit was defined in statute as having to keep the administrative justice system under review and report on the constitution and working of listed tribunals. The AJTC was abolished in 2013 and the successor body in Scotland did not undertake the supervisory role carried out by them. In addition the Tribunals (Scotland) Act 2014 did not include provisions for a statutory body, such as the AJTC, to have a supervisory role for the Scottish Tribunals.

4. 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

5. A targeted consultation with interested parties took place between May and June 2016. There were six responses to the consultation.

Impact Assessments

6. 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. The Equality Impact Assessment is available at the link below:
http://www.gov.scot/Topics/People/Equality/18507/EqualityImpactAssessmentSearch

7. An Equality Impact Assessment was also completed for the Tribunals (Scotland) Bill – see link below:
http://www.scotland.gov.uk/Resource/0042/00421637.pdf

8. 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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