SCOTTISH STATUTORY INSTRUMENTS

2016 No. 340

TRIBUNALS AND INQUIRIES

The First-tier Tribunal for Scotland Housing and Property Chamber and Upper Tribunal for Scotland (Composition) Regulations 2016

Made - - - -	*27th October 2016*
Coming into force - -	*1st December 2016*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 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 Housing and Property Chamber and Upper Tribunal for Scotland (Composition) Regulations 2016.

(2) These Regulations come into force on 1st December 2016.

(3) In these Regulations—

(a) "The Chamber President" means the Chamber President of the First-tier Tribunal; and

(b) "The First-tier Tribunal" means the First-tier Tribunal for Scotland Housing and Property Chamber.

Composition of First-tier Tribunal

2.—(1) Subject to paragraph (2) the First-tier Tribunal, when convened to decide any matter in a case, shall consist of—

(a) a legal member;

(b) a legal member and one ordinary member; or

(c) a legal member with two ordinary members.

(2) An application by a landlord for assistance in exercising a right under section 181(4) of the Housing (Scotland) Act 2006(**b**) may be decided by the First-tier Tribunal consisting of an ordinary member.

(**a**) 2014 asp 10.
(**b**) 2006 asp 1.

Composition of Upper Tribunal hearing appeals or referrals from First-tier Tribunal

3.—(1) The Upper Tribunal, when deciding an appeal or a referral in a case decided by or referred from the First-tier Tribunal to the Upper Tribunal shall consist of—

(a) a sheriff (except a part-time or summary sheriff);

(b) the Chamber President (except a Temporary Chamber President), acting either alone or with a judicial member of the Upper Tribunal;

(c) the President of Tribunals, acting either alone or with the Chamber President or another judicial member of the Upper Tribunal; or

(d) the Lord President, acting either alone or with the Chamber President or another judicial member of the Upper Tribunal.

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

ANNABELLE EWING
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
27th October 2016

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 a case in the Housing and Property Chamber. They also make provision as to the composition of the Upper Tribunal for Scotland when hearing appeals or referrals from the First-tier Tribunal for Scotland Housing and Property Chamber.

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 Housing and Property Chamber dealing with domestic housing and property disputes. Members of the tribunals can be ordinary members, legal members or judicial members according to criteria set out in the Tribunals (Scotland) Act 2014 and regulations made under that Act. This instrument sets out what combination of different types of member may hear cases in the two tribunals.

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