SCOTTISH STATUTORY INSTRUMENTS

2026 No. 34

TRIBUNALS AND INQUIRIES

The First-tier Tribunal for Scotland (Procedure Rules) (Miscellaneous Amendment) Regulations 2026

Made - - - -	*27th January 2026*
Laid before the Scottish Parliament	*29th January 2026*
Coming into force - -	*1st April 2026*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by paragraph 4(2) of schedule 9 of the Tribunals (Scotland) Act 2014(**a**)("the 2014 Act"), section 44(2) and (3) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024(**b**) and all other powers enabling them to do so.

In accordance with paragraph 4(3) of schedule 9 of the 2014 Act, the Scottish Ministers have consulted with the President of Tribunals and such other persons as they consider appropriate.

Citation and commencement

1. These Regulations may be cited as the First-tier Tribunal for Scotland (Procedure Rules) (Miscellaneous Amendment) Regulations 2026 and come into force on 1 April 2026.

Amendment of the First-tier Tribunal for Scotland Health and Education Chamber (Procedure) Regulations 2017

2.—(1) The First-tier Tribunal for Scotland Health and Education Chamber (Procedure) Regulations 2017(**c**) are amended as follows.

(2) In the First-tier Tribunal for Scotland Health and Education Chamber Rules of Procedure 2018 as set out in the schedule—

(a) in rule 1 (interpretation)—

(i) after the definition of "the 2014 Act" insert—

""the 2024 Act" means the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024(**d**);",

(ii) after the definition of "Chamber President" insert—

(**a**) 2014 asp 10.
(**b**) 2024 asp 1.
(**c**) S.S.I. 2017/366.
(**d**) 2024 asp 1.

""compatibility question" has the meaning given by section 31(1) of the 2024 Act;",

(iii) after the definition of "overriding objective" insert—

""relevant authorities" means the Lord Advocate, the Commissioner for Children and Young People in Scotland or the Scottish Commission for Human Rights;",

(b) after rule 3 (application by First-tier Tribunal of the overriding objective) insert—

"Compatibility question under the 2024 Act - raising, intimation and notice

3A.—(1) This rule applies to—

(a) raising a compatibility question before the First-tier Tribunal,

(b) intimation of a compatibility question to the relevant authorities under section 34(1) of the 2024 Act,

(c) notice by a relevant authority of their intention to intervene in proceedings under section 34(2) of that Act.

(2) A compatibility question may be raised by a party at any stage in the proceedings.

(3) Where a party raises a compatibility question, they must, so far as the party is able to do so, set out in sufficient detail—

(a) the facts and circumstances, and

(b) the contentions of law,

on the basis of which it is claimed that the compatibility question arises.

(4) On receiving a compatibility question under paragraph (3), the First-tier Tribunal must—

(a) if it considers that the reference or claim does not set out in sufficient detail the basis on which the compatibility question arises, to meet the overriding objective, direct the party to set out the facts and circumstances and contentions of law on the basis of which it is alleged the compatibility question arises to the First-tier Tribunal, within such period as it may determine,

(b) determine if it considers that the compatibility question is frivolous or vexatious with reference to section 31(3) of the 2024 Act,

(c) if satisfied as to the basis of the compatibility question, intimate under section 34(1) of the 2024 Act in writing to each relevant authority the matters specified in paragraph (5).

(5) The matters to be intimated to each relevant authority are—

(a) the fact that a compatibility question has arisen in proceedings before the First-tier Tribunal,

(b) the details of the matters raised in the proceedings,

(c) the details of the compatibility question that has arisen and, if known at the time of intimation, the position of each party to proceedings in respect of the compatibility question,

(d) that to take part in the proceedings as a party the relevant authority must—

(i) give notice to the First-tier Tribunal of their intention to do so within 14 days of receipt of the intimation made under this rule, or within such other period as the First-tier Tribunal may specify, should it be satisfied there are exceptional circumstances which require the time period to be adjusted,

(ii) within 7 days after the date of such notice, provide written submissions to the First-tier Tribunal in respect of the compatibility question in such form,

and in accordance with such intimation requirements on other parties to proceedings (including any other relevant authorities) as the First-tier Tribunal may specify.

(6) The First-tier Tribunal must provide each relevant authority with all documents relevant to the consideration of the compatibility question.

(7) The First-tier Tribunal must, if those submissions under paragraph (5)(d)(ii) are provided, take steps to allow a relevant authority to take part as a party to proceedings so far as the proceedings relate to a compatibility question.

(8) The First-tier Tribunal may fix a hearing to consider a compatibility question as a separate hearing from any other hearing in the proceedings.

(9) The First-tier Tribunal may suspend the proceedings under rule 24(1)(b) or 70(1) if it considers it necessary to do so while the compatibility question is being determined.

(10) Where a relevant authority does not take part as a party to proceedings at first instance, the relevant authority is not precluded from intervening in any subsequent appeal to the Upper Tribunal, so far as those proceedings relate to a compatibility question.

(11) Where a relevant authority does not take part as a party to proceedings and that relevant authority requests to be notified of the outcome of proceedings in respect of the compatibility question, including regarding any subsequent appeal which relates to the determination of the compatibility question, the First-tier Tribunal must notify the relevant authority of this as soon as practicable.",

(c) after rule 10 (First-tier Tribunal's consideration of application for permission to appeal) insert—

"Reference of compatibility question to the Court of Session

10A.—(1) If the First-tier Tribunal refers a compatibility question which arises in proceedings before it to the Inner House of the Court of Session for determination, it must intimate this in writing to all parties and the relevant authorities.

(2) The intimation in writing to relevant authorities under paragraph (1) who have not previously joined proceedings as a party must include—

(a) the details of the matters raised in the proceedings,

(b) the details of the compatibility question that has arisen,

(c) if known at the time of intimation, the position of each party to proceedings in respect of the compatibility question.

(3) The First-tier Tribunal must provide each relevant authority under paragraph (1) which has not previously joined proceedings as a party with all documents relevant to the consideration of the compatibility question.

(4) Where a relevant authority does not take part as a party to proceedings at first instance, that relevant authority is not precluded from taking part as a party in any subsequent reference to the Inner House of the Court of Session.",

(d) in rule 44 (views of the child)—

(i) at the end of the heading, insert "or young person",

(ii) after "child" the first time it occurs, insert "or young person",

(iii) after "child" the second time it occurs, insert "or young person", and

(iv) at the end, insert "or young person on the subject matter of the reference".

(e) in rule 90 (views of the child)—

(i) at the end of the heading, insert "or young person",

(ii) after "child" the first time it occurs, insert "or young person",

(iii) after "child" the second time it occurs, insert "or young person", and

(iv) at the end, insert "or young person on the subject matter of the claim.".

Amendment of the First-tier Tribunal for Scotland General Regulatory Chamber Charity Appeals (Procedure) Regulations 2017

3.—(1) The First-tier Tribunal for Scotland General Regulatory Chamber Charity Appeals (Procedure) Regulations 2017(**a**) are amended as follows.

(2) In the First-tier Tribunal for Scotland General Regulatory Chamber Charity Appeals Rules of Procedure 2018 as set out in the schedule—

(a) in rule 1 (interpretation)—

(i) after the definition of "the 2014 Act" insert—

""the 2024 Act" means the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024(**b**);",

(ii) after the definition of "Chamber President" insert—

""compatibility question" has the meaning given by section 31(1) of the 2024 Act;",

(iii) after the definition of "register" insert—

""relevant authorities" means the Lord Advocate, the Commissioner for Children and Young People in Scotland or the Scottish Commission for Human Rights;",

(b) after rule 3 (application by First-tier Tribunal of the overriding objective) insert—

"Compatibility question under the 2024 Act - raising, intimation and notice

3A.—(1) This rule applies to—

(a) raising a compatibility question before the First-tier Tribunal,

(b) intimation of a compatibility question to the relevant authorities under section 34(1) of the 2024 Act,

(c) notice by a relevant authority of their intention to intervene in proceedings under section 34(2) of that Act.

(2) A compatibility question may be raised by a party at any stage in the proceedings.

(3) Where a party raises a compatibility question, they must, so far as the party is able to do so, set out in sufficient detail—

(a) the facts and circumstances, and

(b) contentions of law

on the basis of which it is claimed that the compatibility question arises.

(4) On receiving a compatibility question under paragraph (3), the First-tier Tribunal must—

(a) if it considers that the basis on which the compatibility question is said to have arisen is not set out in sufficient detail, in order to meet the overriding objective, direct the party to set out the facts and circumstances and contentions of law on

(**a**) S.S.I. 2017/364.
(**b**) 2024 asp 1.

the basis of which it is alleged the compatibility question arises to the First-tier Tribunal, within such period as it may determine,

(b) determine if it considers that the compatibility question is frivolous or vexatious with reference to section 31(3) of the 2024 Act,

(c) if satisfied as to the basis of the compatibility question, intimate under section 34(1) of the 2024 Act in writing to each relevant authority the matters specified in paragraph (5).

(5) The matters to be intimated to each relevant authority are—

(a) the fact that a compatibility question has arisen in proceedings before the First-tier Tribunal,

(b) the details of the matters raised in the proceedings,

(c) the details of the compatibility question that has arisen and, if known at the time of intimation, the position of each party to proceedings in respect of the compatibility question,

(d) that to take part in the proceedings as a party the relevant authority must—

(i) give notice to the First-tier Tribunal of their intention to do so within 14 days of receipt of the intimation made under this rule, or within such other period as the First-tier Tribunal may specify, should it be satisfied there are exceptional circumstances which require the time period to be adjusted,

(ii) within 7 days after the date of such notice, provide written submissions to the First-tier Tribunal in respect of the compatibility question in such form, and in accordance with such intimation requirements on other parties to proceedings (including any other relevant authorities) as the First-tier Tribunal may specify.

(6) The First-tier Tribunal must provide each relevant authority with all documents relevant to the consideration of the compatibility question.

(7) The First-tier Tribunal must, if those submissions under paragraph (5)(d)(ii) are provided, take steps to allow a relevant authority to take part as a party to proceedings so far as the proceedings relate to a compatibility question.

(8) The First-tier Tribunal may fix a hearing to consider a compatibility question as a separate hearing from any other hearing in the proceedings.

(9) The First-tier Tribunal may sist proceedings if it considers it necessary to do so while the compatibility question is being determined.

(10) Where a relevant authority does not take part as a party to proceedings at first instance, the relevant authority is not precluded from intervening in any subsequent appeal to the Upper Tribunal, so far as those proceedings relate to a compatibility question.

(11) Where a relevant authority does not take part as a party to proceedings and that relevant authority requests to be notified of the outcome of proceedings in respect of the compatibility question, including regarding any subsequent appeal which relates to the determination of the compatibility question, the First-tier Tribunal must notify the relevant authority of this as soon as practicable.",

(c) after rule 31 (First-tier Tribunal's consideration of application for permission to appeal) insert—

"Reference of compatibility question to the Court of Session

31A.—(1) If the First-tier Tribunal refers a compatibility question which arises in proceedings before it to the Inner House of the Court of Session for determination, it must intimate this in writing to all parties and the relevant authorities.

(2) The intimation in writing to relevant authorities under paragraph (1) who have not previously joined proceedings as a party must include—

(a) the details of the matters raised in the proceedings,

(b) the details of the compatibility question that has arisen,

(c) if known at the time of intimation, the position of each party to proceedings in respect of the compatibility question.

(3) The First-tier Tribunal must provide each relevant authority under paragraph (1) which has not previously joined proceedings as a party with all documents relevant to the consideration of the compatibility question.

(4) Where a relevant authority does not take part as a party to proceedings at first instance, that relevant authority is not precluded from taking part as a party in any subsequent reference to the Inner House of the Court of Session.".

Amendment of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017

4.—(1) The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017(**a**) are amended as follows.

(2) In the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 as set out in the schedule—

(a) in rule 1(2) (application and interpretation)—

(i) after the definition of "the 2016 Act" insert—

""the 2024 Act" means the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024(**b**);",

(ii) after the definition of "charge for removing" insert—

""compatibility question" has the meaning given by section 31(1) of the 2024 Act;",

(iii) after the definition of "regulated tenancy reference" insert—

""relevant authorities" means the Lord Advocate, the Commissioner for Children and Young People in Scotland or the Scottish Commission for Human Rights;",

(b) after rule 3 (effect of the overriding objective) insert—

"Compatibility question under the 2024 Act - raising, intimation and notice

3A.—(1) This rule applies to—

(a) raising a compatibility question before the First-tier Tribunal,

(b) intimation of a compatibility question to the relevant authorities under section 34(1) of the 2024 Act,

(**a**) S.S.I. 2017/328.
(**b**) 2024 asp 1.

(c) notice by a relevant authority of their intention to intervene in proceedings under section 34(2) of that Act.

(2) A compatibility question may be raised by a party at any stage in the proceedings.

(3) Where a party raises a compatibility question, they must, so far as the party is able to do so, set out in sufficient detail—

(a) the facts and circumstances, and

(b) the contentions of law

on the basis of which it is claimed that the compatibility question arises.

(4) On receiving a compatibility question under paragraph (3), the First-tier Tribunal must—

(a) if it considers that the basis on which a compatibility question is said to have arisen is not set out in sufficient detail, in order to meet the overriding objective, direct the party to set out the facts and circumstances and contentions of law on the basis of which it is alleged the compatibility question arises to the First-tier Tribunal, within such period as it may determine,

(b) determine if it considers that the compatibility question is frivolous or vexatious with reference to section 31(3) of the 2024 Act,

(c) if satisfied as to the basis of the compatibility question, intimate under section 34(1) of the 2024 Act in writing to each relevant authority the matters specified in paragraph (5).

(5) The matters to be intimated to each relevant authority are—

(a) the fact that a compatibility question has arisen in proceedings before the First-tier Tribunal,

(b) the details of the matters raised in the proceedings,

(c) the details of the compatibility question that has arisen and, if known at the time of intimation, the position of each party to proceedings in respect of the compatibility question,

(d) that to take part in the proceedings as a party the relevant authority must—

(i) give notice to the First-tier Tribunal of their intention to do so within 14 days of receipt of the intimation made under this rule, or within such other period as the First-tier Tribunal may specify, should it be satisfied there are exceptional circumstances which require the time period to be adjusted,

(ii) within 7 days after the date of such notice, provide written submissions to the First-tier Tribunal in respect of the compatibility question in such form, and in accordance with such intimation requirements on other parties to proceedings (including any other relevant authorities) as the First-tier Tribunal may specify.

(6) The First-tier Tribunal must provide each relevant authority with all documents relevant to the consideration of the compatibility question.

(7) The First-tier Tribunal must, if those submissions under paragraph (5)(d)(ii) are provided, thereafter take steps to allow a relevant authority to take part as a party to proceedings so far as the proceedings relate to a compatibility question.

(8) The First-tier Tribunal may fix a hearing to consider a compatibility question as a separate hearing from any other hearing in the proceedings.

(9) The First-tier Tribunal may adjourn or postpone proceedings under rule 28 if it considers it necessary to do so while the compatibility question is being determined.

(10) Where a relevant authority does not take part as a party to proceedings at first instance, the relevant authority is not precluded from intervening in any subsequent appeal to the Upper Tribunal, so far as those proceedings relate to a compatibility question.

(11) Where a relevant authority does not take part as a party to proceedings and that relevant authority requests to be notified of the outcome of proceedings in respect of the compatibility question, including regarding any subsequent appeal which relates to the determination of the compatibility question, the First-tier Tribunal must notify the relevant authority of this as soon as practicable.",

(c) after rule 38 (First-tier Tribunal's consideration of application for permission to appeal) insert—

"Reference of compatibility question to the Court of Session

38A.—(1) If the First-tier Tribunal refers a compatibility question which arises in proceedings before it to the Inner House of the Court of Session for determination, it must intimate this in writing to all parties and the relevant authorities.

(2) The intimation in writing to relevant authorities under paragraph (1) who have not previously joined proceedings as a party must include—

(a) the details of the matters raised in the proceedings,

(b) the details of the compatibility question that has arisen,

(c) if known at the time of intimation, the position of each party to proceedings in respect of the compatibility question.

(3) The First-tier Tribunal must provide each relevant authority under paragraph (1) which has not previously joined proceedings as a party with all documents relevant to the consideration of the compatibility question.

(4) Where a relevant authority does not take part as a party to proceedings at first instance, that relevant authority is not precluded from taking part as a party in any subsequent reference to the Inner House of the Court of Session.".

Amendment of the First-tier Tribunal for Scotland Tax Chamber (Procedure) Regulations 2017

5.—(1) The First-tier Tribunal for Scotland Tax Chamber (Procedure) Regulations 2017(**a**) are amended as follows.

(2) In the First-tier Tribunal for Scotland Tax Chamber Rules of Procedure 2017 as set out in the schedule—

(a) in rule 1 (interpretation)—

(i) after the definition of "RSTPA 2014" insert—

""the 2024 Act" means the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024(**b**);",

(ii) after the definition of "Chamber President" insert—

""compatibility question" has the meaning given by section 31(1) of the 2024 Act;",

(iii) after the definition of "practice direction" insert—

(**a**) S.S.I. 2017/69.
(**b**) 2024 asp 1.

""relevant authorities" means the Lord Advocate, the Commissioner for Children and Young People in Scotland or the Scottish Commission for Human Rights;",

(b) after rule 5 (case management powers) insert—

"Compatibility question under the 2024 Act – raising, intimation and notice

5A.—(1) This rule applies to—

(a) raising a compatibility question before the First-tier Tribunal,

(b) intimation of a compatibility question to the relevant authorities under section 34(1) of the 2024 Act,

(c) notice by a relevant authority of their intention to intervene in proceedings under section 34(2) of that Act.

(2) A compatibility question may be raised by a party at any stage in the proceedings.

(3) Where a party raises a compatibility question, they must, so far as the party is able to do so, set out in sufficient detail—

(a) the facts and circumstances, and

(b) the contentions of law

on the basis of which it is claimed that the compatibility question arises.

(4) On receiving a compatibility question under paragraph (3), the First-tier Tribunal must—

(a) if it considers that the basis on which a compatibility question is said to have arisen is not set out in sufficient detail, in order to meet the overriding objective, direct the party to set out the facts and circumstances and contentions of law on the basis of which it is alleged the compatibility question arises to the First-tier Tribunal, within such period as it may determine,

(b) determine if it considers that the compatibility question is frivolous or vexatious with reference to section 31(3) of the 2024 Act,

(c) if satisfied as to the basis of the compatibility question, intimate under section 34(1) of the 2024 Act in writing to each relevant authority the matters specified in paragraph (5).

(5) The matters to be intimated to each relevant authority are—

(a) the fact that a compatibility question has arisen in proceedings before the First-tier Tribunal,

(b) the details of the matters raised in the proceedings,

(c) the details of the compatibility question that has arisen and, if known at the time of intimation, the position of each party to proceedings in respect of the compatibility question,

(d) that to take part in the proceedings as a party the relevant authority must—

(i) give notice to the First-tier Tribunal of their intention to do so within 14 days of receipt of the intimation made under this rule, or within such other period as the First-tier Tribunal may specify, should it be satisfied there are exceptional circumstances which require the time period to be adjusted,

(ii) within 7 days after the date of such notice, provide written submissions to the First-tier Tribunal in respect of the compatibility question in such form, and in accordance with such intimation requirements on other parties to

proceedings (including any other relevant authorities) as the First-tier Tribunal may specify.

(6) The First-tier Tribunal must provide each relevant authority with all documents relevant to the consideration of the compatibility question.

(7) The First-tier Tribunal must, if these submissions under paragraph (5)(d)(ii) are provided, thereafter take steps to allow a relevant authority to take part as a party to proceedings so far as the proceedings relate to a compatibility question.

(8) The First-tier Tribunal may fix a hearing to consider a compatibility question as a separate hearing from any other hearing in the proceedings.

(9) The First-tier Tribunal may sist the proceedings under rule 5(3)(k) if it considers it necessary to do so while the compatibility question is being determined.

(10) Where a relevant authority does not take part as a party to proceedings at first instance, the relevant authority is not precluded from intervening in any subsequent appeal to the Upper Tribunal, so far as those proceedings relate to a compatibility question.

(11) Where a relevant authority does not take part as a party to proceedings and that relevant authority requests to be notified of the outcome of proceedings in respect of the compatibility question, including regarding any subsequent appeal which relates to the determination of the compatibility question, the First-tier Tribunal must notify the relevant authority of this as soon as practicable.",

(c) after rule 39 (First-tier Tribunal's consideration of application for permission to appeal) insert—

"Reference of compatibility question to the Court of Session

39A.—(1) If the First-tier Tribunal refers a compatibility question which arises in proceedings before it to the Inner House of the Court of Session for determination, it must intimate this in writing to all parties and the relevant authorities.

(2) The intimation in writing to relevant authorities under paragraph (1) who have not previously joined proceedings as a party must include—

(a) the details of the matters raised in the proceedings,

(b) the details of the compatibility question that has arisen,

(c) if known at the time of intimation, the position of each party to proceedings in respect of the compatibility question.

(3) The First-tier Tribunal must provide each relevant authority under paragraph (1) which has not previously joined proceedings as a party with all documents relevant to the consideration of the compatibility question.

(4) Where a relevant authority does not take part as a party to proceedings at first instance, that relevant authority is not precluded from taking part as a party in any subsequent reference to the Inner House of the Court of Session.".

Amendment of the First-tier Tribunal for Scotland Social Security Chamber (Procedure) Regulations 2018

6.—(1) The First-tier Tribunal for Scotland Social Security Chamber (Procedure) Regulations 2018(**a**) are amended as follows.

(2) In the First-tier Tribunal for Scotland Social Security Chamber Rules of Procedure 2018 as set out in the schedule—

(a) in rule 1(1) (interpretation)—

(i) after the definition of "the 2018 Act" insert—

""the 2024 Act" means the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024(**b**);",

(ii) after the definition of "Chamber President" insert—

""compatibility question" has the meaning given by section 31(1) of the 2024 Act;",

(iii) after the definition of "process decision" insert—

""relevant authorities" means the Lord Advocate, the Commissioner for Children and Young People in Scotland or the Scottish Commission for Human Rights;",

(b) after rule 4 (case management powers) insert—

"Compatibility question under the 2024 Act - raising, intimation and notice

4A.—(1) This rule applies to—

(a) raising a compatibility question before the First-tier Tribunal,

(b) intimation of a compatibility question to the relevant authorities under section 34(1) of the 2024 Act,

(c) notice by a relevant authority of their intention to intervene in proceedings under section 34(2) of that Act.

(2) A compatibility question may be raised by a party at any stage in the proceedings.

(3) Where a party raises a compatibility question, they must, so far as the party is able to do so, set out in sufficient detail—

(a) the facts and circumstances, and

(b) the contentions of law

on the basis of which it is claimed that the compatibility question arises.

(4) On receiving a compatibility question under paragraph (3), the First-tier Tribunal must—

(a) if it considers that the basis on which a compatibility question is said to have arisen is not set out in sufficient detail, in order to meet the overriding objective, direct the party to set out the facts and circumstances and contentions of law on the basis of which it is alleged the compatibility question arises to the First-tier Tribunal, within such period as it may determine,

(b) determine if it considers that the compatibility question is frivolous or vexatious with reference to section 31(3) of the 2024 Act,

(**a**) S.S.I. 2018/273.
(**b**) 2024 asp 1.

(c) if satisfied as to the basis of the compatibility question, intimate under section 34(1) of the 2024 Act in writing to each relevant authority the matters specified in paragraph (5).

(5) The matters to be intimated to each relevant authority are—

(a) the fact that a compatibility question has arisen in proceedings before the First-tier Tribunal,

(b) the details of the matters raised in the proceedings,

(c) the details of the compatibility question that has arisen and, if known at the time of intimation, the position of each party to proceedings in respect of the compatibility question,

(d) that to take part in the proceedings as a party the relevant authority must—

(i) give notice to the First-tier Tribunal of their intention to do so within 14 days of receipt of the intimation made under this rule, or within such other period as the First-tier Tribunal may specify, should it be satisfied there are exceptional circumstances which require the time period to be adjusted,

(ii) within 7 days after the date of such notice, provide written submissions to the First-tier Tribunal in respect of the compatibility question in such form, and in accordance with such intimation requirements on other parties to proceedings (including any other relevant authorities) as the First-tier Tribunal may specify.

(6) The First-tier Tribunal must provide each relevant authority with all documents relevant to the consideration of the compatibility question.

(7) The First-tier Tribunal must, if those submissions under paragraph (5)(d)(ii) are provided, take steps to allow a relevant authority to take part as a party to proceedings so far as the proceedings relate to a compatibility question.

(8) The First-tier Tribunal may fix a hearing to consider a compatibility question as a separate hearing from any other hearing in the proceedings.

(9) The First-tier Tribunal may sist the proceedings under rule 4(3)(j) if it considers it necessary to do so while the compatibility question is being determined.

(10) Where a relevant authority does not take part as a party to proceedings at first instance, the relevant authority is not precluded from intervening in any subsequent appeal to the Upper Tribunal, so far as those proceedings relate to a compatibility question.

(11) Where a relevant authority does not take part as a party to proceedings and that relevant authority requests to be notified of the outcome of proceedings in respect of the compatibility question, including regarding any subsequent appeal which relates to the determination of the compatibility question, the First-tier Tribunal must notify the relevant authority of this as soon as practicable.",

(c) after rule 22 (notice of appeal against a process decision) insert—

"Reference of compatibility question to the Court of Session

22A.—(1) If the First-tier Tribunal refers a compatibility question which arises in proceedings before it to the Inner House of the Court of Session for determination, it must intimate this in writing to all parties and the relevant authorities.

(2) The intimation in writing to relevant authorities under paragraph (1) who have not previously joined proceedings as a party must include—

(a) the details of the matters raised in the proceedings,

(b) the details of the compatibility question that has arisen,

(c) if known at the time of intimation, the position of each party to proceedings in respect of the compatibility question.

(3) The First-tier Tribunal must provide each relevant authority under paragraph (1) which has not previously joined proceedings as a party with all documents relevant to the consideration of the compatibility question.

(4) Where a relevant authority does not take part as a party to proceedings at first instance, that relevant authority is not precluded from taking part as a party in any subsequent reference to the Inner House of the Court of Session.".

Amendment of the First-tier Tribunal for Scotland General Regulatory Chamber Parking and Bus Lane Appeals (Rules of Procedure) Regulations 2020

7.—(1) The First-tier Tribunal for Scotland General Regulatory Chamber Parking and Bus Lane Appeals (Rules of Procedure) Regulations 2020(**a**) are amended as follows.

(2) In the First-tier Tribunal for Scotland General Regulatory Chamber Parking and Bus Lane Appeals Rules of Procedure 2020 as set out in the schedule—

(a) in rule 1 (interpretation)—

(i) after the definition of "the 2019 Act" insert—

""the 2024 Act" means the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024(**b**);",

(ii) after the definition "Chamber President" insert—

""compatibility question" has the meaning given by section 31(1) of the 2024 Act;",

(iii) after the definition of "register" insert—

""relevant authorities" means the Lord Advocate, the Commissioner for Children and Young People in Scotland or the Scottish Commission for Human Rights;",

(b) after rule 4 (case management powers) insert—

"Compatibility question under the 2024 Act - raising, intimation and notice

4A.—(1) This rule applies to—

(a) raising a compatibility question before the First-tier Tribunal,

(b) intimation of a compatibility question to the relevant authorities under section 34(1) of the 2024 Act,

(c) notice by a relevant authority of their intention to intervene in proceedings under section 34(2) of that Act.

(2) A compatibility question may be raised by a party at any stage in the proceedings.

(3) Where a party raises a compatibility question, they must, so far as the party is able to do so, set out in sufficient detail—

(a) the facts and circumstances, and

(b) the contentions of law

on the basis of which it is claimed that the compatibility question arises.

(**a**) S.S.I. 2020/98.
(**b**) 2024 asp 1.

(4) On receiving a compatibility question under paragraph (3), the First-tier Tribunal must—

(a) if it considers that the basis on which a compatibility question is said to have arisen is not set out in sufficient detail, in order to meet the overriding objective, direct the party to set out the facts and circumstances and contentions of law on the basis of which it is alleged the compatibility question arises to the First-tier Tribunal, within such period as it may determine,

(b) determine if it considers that a compatibility question is frivolous or vexatious with reference to section 31(3) of the 2024 Act,

(c) if satisfied as to the basis of the compatibility question, intimate under section 34(1) in writing to each relevant authority the matters specified in paragraph (5).

(5) The matters to be intimated to each relevant authority are—

(a) the fact that a compatibility question has arisen in proceedings before the First-tier Tribunal,

(b) the details of the matters raised in the proceedings,

(c) the details of the compatibility question that has arisen and, if known at the time of intimation, the position of each party to proceedings in respect of the compatibility question,

(d) that to take part in the proceedings as a party the relevant authority must—

(i) give notice to the First-tier Tribunal of their intention to do so within 14 days of receipt of the intimation made under this rule, or within such other period as the First-tier Tribunal may specify, should it be satisfied there are exceptional circumstances which require the time period to be adjusted,

(ii) within 7 days after the date of such notice, provide written submissions to the First-tier Tribunal in respect of the compatibility question in such form, and in accordance with such intimation requirements on other parties to proceedings (including any other relevant authorities) as the First-tier Tribunal may specify.

(6) The First-tier Tribunal must provide each relevant authority with all documents relevant to the consideration of the compatibility question.

(7) The First-tier Tribunal must, if those submissions under paragraph (5)(d)(ii) are provided, take steps to allow a relevant authority to take part as a party to proceedings so far as the proceedings relate to a compatibility question.

(8) The First-tier Tribunal may fix a hearing to consider a compatibility question as a separate hearing from any other hearing in the proceedings.

(9) The First-tier Tribunal may sist the proceedings under rule 4(3)(k) if it considers it necessary to do so while the compatibility question is being determined.

(10) Where a relevant authority does not take part as a party to proceedings at first instance, the relevant authority is not precluded from intervening in any subsequent appeal to the Upper Tribunal, so far as those proceedings relate to a compatibility question.

(11) Where a relevant authority does not take part as a party to proceedings and that relevant authority requests to be notified of the outcome of proceedings in respect of the compatibility question, including regarding any subsequent appeal which relates to the determination of the compatibility question, the First-tier Tribunal must notify the relevant authority of this as soon as practicable.",

(c) after rule 18 (consideration of application for permission to appeal to the Upper Tribunal) insert—

"Reference of compatibility question to the Court of Session

18A.—(1) If the First-tier Tribunal refers a compatibility question which arises in proceedings before it to the Inner House of the Court of Session for determination, it must intimate this in writing to all parties and the relevant authorities.

(2) The intimation in writing to relevant authorities under paragraph (1) who have not previously joined proceedings as a party must include—

(a) the details of the matters raised in the proceedings,

(b) the details of the compatibility question that has arisen,

(c) if known at the time of intimation, the position of each party to proceedings in respect of the compatibility question.

(3) The First-tier Tribunal must provide each relevant authority under paragraph (1) which has not previously joined proceedings as a party with all documents relevant to the consideration of the compatibility question.

(4) Where a relevant authority does not take part as a party to proceedings at first instance, that relevant authority is not precluded from taking part as a party in any subsequent reference to the Inner House of the Court of Session.".

Amendment of the First-tier Tribunal for Scotland Local Taxation Chamber (Rules of Procedure) Regulations 2022

8.—(1) The First-tier Tribunal for Scotland Local Taxation Chamber (Rules of Procedure) Regulations 2022(**a**) are amended as follows.

(2) In the First-tier Tribunal for Scotland Local Taxation Chamber Rules of Procedure 2022 as set out in the schedule—

(a) in rule 1 (interpretation)—

(i) after the definition of "the Valuation Acts" insert—

""the 2024 Act" means the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024(**b**),",

(ii) after the definition of "Chamber President" insert—

""compatibility question" has the meaning given by section 31(1) of the 2024 Act,",

(iii) after the definition of "proceedings" insert—

""relevant authorities" means the Lord Advocate, the Commissioner for Children and Young People in Scotland or the Scottish Commission for Human Rights,",

(b) after rule 4 (case management powers) insert—

"Compatibility question under the 2024 Act - raising, intimation and notice

4A.—(1) This rule applies to—

(a) raising of a compatibility question before the First-tier Tribunal,

(b) intimation of a compatibility question to the relevant authorities under section 34(1) of the 2024 Act,

(**a**) S.S.I. 2022/364.
(**b**) 2024 asp 1.

(c) notice by a relevant authority of their intention to intervene in proceedings under section 34(2) of that Act.

(2) A compatibility question may be raised by a party at any stage in the proceedings.

(3) Where a party raises a compatibility question, they must, so far as the party is able to do so, set out in sufficient detail—

(a) the facts and circumstances, and

(b) the contentions of law

on the basis of which it is claimed that the compatibility question arises.

(4) On receiving a compatibility question under paragraph (3), the First-tier Tribunal must—

(a) if it considers that the basis on which a compatibility question is said to have arisen is not set out in sufficient detail, in order to meet the overriding objective, direct the party to set out the facts and circumstances and contentions of law on the basis of which it is alleged the compatibility question arises to the First-tier Tribunal, within such period as it may determine,

(b) determine if it considers that the compatibility question is frivolous or vexatious with reference to section 31(3) of the 2024 Act,

(c) if satisfied as to the basis of the compatibility question, intimate under section 34(1) of the 2024 Act in writing to each relevant authority the matters specified in paragraph (5).

(5) The matters to be intimated to each relevant authority are—

(a) the fact that a compatibility question has arisen in proceedings before the First-tier Tribunal,

(b) the details of the matters raised in the proceedings,

(c) the details of the compatibility question that has arisen and, if known at the time of intimation, the position of each party to proceedings in respect of the compatibility question,

(d) that to take part in the proceedings as a party the relevant authority must—

(i) give notice to the First-tier Tribunal of their intention to do so within 14 days of receipt of the intimation made under this rule, or within such other period as the First-tier Tribunal may specify, should it be satisfied there are exceptional circumstances which require the time period to be adjusted,

(ii) within 7 days after the date of such notice, provide written submissions to the First-tier Tribunal in respect of the compatibility question in such form, and in accordance with such intimation requirements on other parties to proceedings (including any other relevant authorities) as the First-tier Tribunal may specify.

(6) The First-tier Tribunal must provide each relevant authority with all documents relevant to the consideration of the compatibility question.

(7) The First-tier Tribunal must, if those submissions under paragraph (5)(d)(ii)are provided, take steps to allow a relevant authority to take part as a party to proceedings so far as the proceedings relate to a compatibility question.

(8) The First-tier Tribunal may fix a hearing to consider a compatibility question as a separate hearing from any other hearing in the proceedings.

(9) The First-tier Tribunal may sist the proceedings under rule 4(3)(l) if it considers it necessary to do so while the compatibility question is being determined.

(10) Where a relevant authority does not take part as a party to proceedings at first instance, the relevant authority is not precluded from intervening in any subsequent appeal to the Upper Tribunal, so far as those proceedings relate to a compatibility question.

(11) Where a relevant authority does not take part as a party to proceedings and that relevant authority requests to be notified of the outcome of proceedings in respect of the compatibility question, including regarding any subsequent appeal which relates to the determination of the compatibility question, the First-tier Tribunal must notify the relevant authority of this as soon as practicable.",

(c) after rule 19 (review of a decision) insert—

"Reference of compatibility question to the Court of Session

19A.—(1) If the First-tier Tribunal refers a compatibility question which arises in proceedings before it to the Inner House of the Court of Session for determination, it must intimate this in writing to all parties and the relevant authorities.

(2) The intimation in writing to relevant authorities under paragraph (1) who have not previously joined proceedings as a party must include—

(a) the details of the matters raised in the proceedings,

(b) the details of the compatibility question that has arisen,

(c) if known at the time of intimation, the position of each party to proceedings in respect of the compatibility question.

(3) The First-tier Tribunal must provide each relevant authority under paragraph (1) which has not previously joined proceedings as a party with all documents relevant to the consideration of the compatibility question.

(4) Where a relevant authority does not take part as a party to proceedings at first instance, that relevant authority is not precluded from taking part as a party in any subsequent reference to the Inner House of the Court of Session.".

Amendment of the First-tier Tribunal for Scotland General Regulatory Chamber (Police Appeals) (Procedure) Regulations 2025

9.—(1) The First-tier Tribunal for Scotland General Regulatory Chamber (Police Appeals) (Procedure) Regulations 2025(**a**) are amended as follows.

(2) In the First-tier Tribunal for Scotland General Regulatory Chamber (Police Appeals) Rules of Procedure 2025 as set out in the schedule—

(a) in rule 1(1) (interpretation)—

(i) after the definition of "the 2016 Senior Officers Performance Regulations" insert—

""the 2024 Act" means the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024(**b**),",

(ii) after the definition of "chief constable" insert—

""compatibility question" has the meaning given by section 31(1) of the 2024 Act,",

(iii) after the definition of "proceedings" insert—

""relevant authorities" means the Lord Advocate, the Commissioner for Children and Young People in Scotland or the Scottish Commission for Human Rights,",

(**a**) S.S.I. 2025/384.
(**b**) 2024 asp 1.

(b) after rule 5 (case management powers) insert—

"Compatibility question under the 2024 Act - raising, intimation and notice

5A.—(1) This rule applies to—

(a) raising a compatibility question,

(b) intimation of a compatibility question to the relevant authorities under section 34(1) of the 2024 Act,

(c) notice by a relevant authority of their intention to intervene in proceedings under section 34(2) of that Act.

(2) A compatibility question may be raised by a party at any stage in the proceedings.

(3) Where a party raises a compatibility question, they must, so far as the party is able to do so, set out in sufficient detail—

(a) the facts and circumstances, and

(b) the contentions of law

on the basis of which it is claimed that the compatibility question arises.

(4) On receiving a compatibility question under paragraph (3), the First-tier Tribunal must—

(a) if it considers that the basis on which a compatibility question is said to have arisen is not set out in sufficient detail, in order to meet the overriding objective, direct the party to set out the facts and circumstances and contentions of law on the basis of which it is alleged the compatibility question arises to the First-tier Tribunal, within such period as it may determine,

(b) determine if it considers that the compatibility question is frivolous or vexatious with reference to section 31(3) of the 2024 Act,

(c) if satisfied as to the basis of the compatibility question, intimate under section 34(1) of the 2024 Act in writing to each relevant authority the matters specified in paragraph (5).

(5) The matters to be intimated to each relevant authority are—

(a) the fact that a compatibility question has arisen in proceedings before the First-tier Tribunal,

(b) the details of the matters raised in the proceedings,

(c) the details of the compatibility question that has arisen and, if known at the time of intimation, the position of each party to proceedings in respect of the compatibility question,

(d) that to take part in the proceedings as a party the relevant authority must—

(i) give notice to the First-tier Tribunal of their intention to do so within 14 days of receipt of the intimation made under this rule, or within such other period as the First-tier Tribunal may specify, should it be satisfied there are exceptional circumstances which require the time period to be adjusted,

(ii) within 7 days after the date of such notice, provide written submissions to the First-tier Tribunal in respect of the compatibility question in such form, and in accordance with such intimation requirements on other parties to proceedings (including any other relevant authorities) as the First-tier Tribunal may specify.

(6) The First-tier Tribunal must provide each relevant authority with all documents relevant to the consideration of the compatibility question.

(7) The First-tier Tribunal must, if those submissions under paragraph (5)(d)(ii) are provided, take steps to allow a relevant authority to take part as a party to proceedings so far as the proceedings relate to a compatibility question.

(8) The First-tier Tribunal may fix a hearing to consider a compatibility question as a separate hearing from any other hearing in the proceedings.

(9) The First-tier Tribunal may sist the proceedings under rule 5(3)(l) if it considers it necessary to do so while the compatibility question is being determined.

(10) Where a relevant authority does not take part as a party to proceedings at first instance, the relevant authority is not precluded from intervening in any subsequent appeal to the Upper Tribunal, so far as those proceedings relate to a compatibility question.

(11) Where a relevant authority does not take part as a party to proceedings and that relevant authority requests to be notified of the outcome of proceedings in respect of the compatibility question, including regarding any subsequent appeal which relates to the determination of the compatibility question, the First-tier Tribunal must notify the relevant authority of this as soon as practicable.",

(c) after rule 30 (review of a decision) insert—

"Reference of compatibility question to the Court of Session

30A.—(1) If the First-tier Tribunal refers a compatibility question which arises in proceedings before it to the Inner House of the Court of Session for determination, it must intimate this in writing to all parties and the relevant authorities.

(2) The intimation in writing to relevant authorities under paragraph (1) who have not previously joined proceedings as a party must include—

(a) the details of the matters raised in the proceedings,

(b) the details of the compatibility question that has arisen,

(c) if known at the time of intimation, the position of each party to proceedings in respect of the compatibility question.

(3) The First-tier Tribunal must provide each relevant authority under paragraph (1) which has not previously joined proceedings as a party with all documents relevant to the consideration of the compatibility question.

(4) Where a relevant authority does not take part as a party to proceedings at first instance, that relevant authority is not precluded from taking part as a party in any subsequent reference to the Inner House of the Court of Session.".

SIOBHIAN BROWN
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
27th January 2026

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the rules of procedure for the Chambers of the First-tier Tribunal for Scotland in consequence of the United Nations Convention on the Rights of the Child (incorporation) (Scotland) Act 2024 ("the 2024 Act").

Regulation 2 amends the rules of procedure in the schedule of the First-tier Tribunal for Scotland Health and Education Chamber (Procedure) Regulations 2017.

Regulation 3 amends the rules of procedure in the schedule of the First-tier Tribunal for Scotland General Regulatory Chamber Charity Appeals (Procedure) Regulations 2017.

Regulation 4 amends the rules of procedure in the schedule of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.

Regulation 5 amends the rules of procedure in the schedule of the First-tier Tribunal for Scotland Tax Chamber (Procedure) Regulations 2017.

Regulation 6 amends the rules of procedure in the schedule of the First-tier Tribunal for Scotland Social Security Chamber (Procedure) Regulations 2018.

Regulation 7 amends the rules of procedure in the schedule of the First-tier Tribunal for Scotland General Regulatory Chamber Parking and Bus Lane Appeals (Rules of Procedure) Regulations 2020.

Regulation 8 amends the rules of procedure in the schedule of the First-tier Tribunal for Scotland Local Taxation Chamber (Rules of Procedure) Regulations 2022.

Regulation 9 amends the rules of procedure in the schedule of the First-tier Tribunal for Scotland General Regulatory Chamber (Police Appeals) (Procedure) Regulations 2025.

Two new rules are inserted into each of the above instruments: the first rule sets out the procedure to be followed when a party raises a compatibility question as defined in section 31 of the 2024 Act. This includes how a compatibility question should be raised, intimated to the Lord Advocate, the Commissioner for Children and Young People in Scotland and the Scottish Commission for Human Rights ("the relevant authorities") in accordance with section 34(1) of the 2024 Act, and how the relevant authorities may subsequently intervene in proceedings that relate to a compatibility question, in accordance with section 34(2) of the 2024 Act.

The second rule sets out the procedure to be followed when the First-tier Tribunal refers a compatibility question to the Inner House of the Court of Session for determination, in accordance with section 35(2) of the 2024 Act.

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