POLICY NOTE

THE FIRST-TIER TRIBUNAL FOR SCOTLAND (TRANSFER OF FUNCTIONS AND MEMBERS OF THE POLICE APPEALS TRIBUNAL) AMENDMENT REGULATIONS 2026

SSI 2026/321

The above instrument was made in exercise of the powers conferred by section 28(2), (6) and (7) of the Tribunals (Scotland) Act 2014. The instrument is subject to affirmative procedure.

Summary Box

These Regulations make a consequential amendment to ensure that a new right of appeal for senior police officers introduced by the Police (Ethics, Conduct and Scrutiny) (Scotland) Act 2025 operates as intended following the transfer of the functions of the Police Appeals Tribunal to the First-tier Tribunal for Scotland and the subsequent abolition of the Police Appeals Tribunal.

Policy Objectives

1. The First-tier Tribunal for Scotland (Transfer of Functions and Members of the Police Appeals Tribunal) Regulations 2025 ("the 2025 Regulations") transferred the functions and members of the Police Appeals Tribunal ("PAT") to the First-tier Tribunal for Scotland and abolished the PAT.

2. Section 10 of the Police (Ethics, Conduct and Scrutiny) (Scotland) Act 2025 ("the 2025 Act") amends section 56 of the Police and Fire Reform (Scotland) Act 2012 by inserting a new section 56(1A). That provision creates a right of appeal for senior officers against disciplinary action, other than dismissal or demotion, and provides for such appeals to be made to the PAT.

3. Section 10 comes into force on 26 November 2026. The functions of the PAT having been transferred to the First-tier Tribunal by the 2025 Regulations, and the PAT having been abolished, the new right of appeal can only be to the First-tier Tribunal and not the PAT. Accordingly, the reference to the PAT in section 56(1A) requires to be amended so that appeals are made to the First-tier Tribunal.

4. These Regulations make that consequential amendment. They do not create new appeal rights, remove existing rights, or alter tribunal procedures. Their purpose is solely to ensure that the new appeal right introduced by section 10 of the 2025 Act can be exercised as intended.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

5. In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (the Act), the Scottish Ministers certify that, in their view, the First-Tier Tribunal For Scotland (Transfer of Functions and Members of the Police Appeals Tribunal) Amendment Regulations 2026 are compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

6. This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation

7. Whilst no formal consultation requirements apply, the Scottish Ministers have consulted and shared a draft of the Regulations informally with relevant stakeholder and in particular the Scottish Courts and Tribunal Services. Scottish Ministers have considered the representations made.

Impact Assessments

8. A Child Rights and Wellbeing Impact Assessment has been completed for these Regulations and is attached. It identified no children's impact issues.

Financial Effects

9. The Cabinet Secretary for Justice confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Safer Communities Directorate

September 2026