POLICY NOTE

THE SCOTTISH TRIBUNALS (ELIGIBILITY FOR APPOINTMENT) AMENDMENT REGULATIONS 2019

SSI 2019/384

The above instrument was made in exercise of the powers conferred by paragraph 4(2) of schedule 9 of the Tribunals (Scotland) Act ('the 2014 Act'). The instrument is subject to the negative procedure.

Purpose of the instrument

The regulations expand the eligibility criteria for appointment of ordinary members with disability experience to the First-tier Tribunal for Scotland.

Policy Objectives

Judicial Office highlighted issues around the existing wording of Regulation 3D of the Scottish Tribunals (Eligibility for Appointment) Regulations 2015 ("the 2015 Regulations") which it believed would be detrimental to the recruitment to the First-tier Tribunal for Scotland of ordinary members with disability experience. The Scottish Government undertook to lay an amending instrument to deal with these issues. Members with disability experience will be assigned to the Social Security Chamber.

The points raised by Judicial Office are addressed as follows: Regulation 3D is modified to include the words "has provided". The purpose of this is to cover individuals who have previously provided care to others. This ensures that a wider range of applicants with disability experience can apply for a role in the social security chamber.

In the course of preparing the amending Regulations, the Scottish Government has taken the opportunity to further clarify the provisions contained in Regulation 3D. The reference to "the person works" is replaced by reference to "the person supports or has supported". This makes clear that the person should have a supporting role rather than simply working as a colleague alongside someone who has a disability.

Consultation

No consultation requirement.

Impact Assessments

Regulation 3D was inserted in the 2015 Regulations by the Scottish Tribunals (Eligibility for Appointment) Amendment Regulations 2018. These formed part of a package of regulations relating to social security appeals. The following impact assessments were carried out in relation to the package:

Equality impact assessment

Islands Communities Screening Assessment

Child Rights and Wellbeing Impact Assessment.

Nothing in these Regulations alters the outcome of those assessments. Accordingly, no further impact assessments are required in these areas.

Financial Effects

A Partial Business and Regulatory Impact Assessment was also carried out in relation to the package of Regulations of which the 2015 Regulations formed part. These Regulations do not alter the outcome of that assessment. Accordingly, no further business and regulatory impact assessment is required.

Scottish Government
Social Security Directorate
4 November 2019