

Equalities, Human Rights and Civil Justice Committee

22nd Meeting, 2022 (Session 6), Tuesday 6 September 2022

Subordinate legislation

Note by the Clerk

Purpose of the paper

1. This paper invites the Committee to consider the following draft affirmative instrument:
 - [2022/Draft: The Scottish Tribunals \(Listed Tribunals\) Regulations 2022](#)

2022/Draft: The Scottish Tribunals (Listed Tribunals) Regulations 2022

2. The purpose of the instrument is to amend the Tribunals (Scotland) Act 2014 to add the Council Tax Reduction Review Panel to the list of tribunals in Schedule 1, being the tribunals which can be transferred to the Scottish Tribunals under the Act. They also amend Part 2 of that schedule to clarify the functions exercisable by any member of the Council Tax Reduction Review Panel.
3. No business and regulatory impact assessment has been prepared for these Regulations as no impact upon business, charities or voluntary bodies is foreseen.
4. A copy of the Scottish Government Policy Note is included at [Annexe A](#).

Delegated Powers and Law Reform Committee Consideration

5. The Delegated Powers and Law Reform Committee (DPLR) considered the instrument at its meeting on 7 June 2022. The DPLR Committee agreed that it did not need to draw the Parliament's attention to the instrument on any grounds within its remit.

Equalities, Human Rights and Civil Justice Committee Consideration

Procedure for Affirmative instruments

6. The draft instrument was laid on 1 June 2022 and referred to the Equalities, Human Rights and Civil Justice Committee. The instrument is subject to affirmative procedure (Rule 10.6) and due to come into force on 28 September 2022. It is for the Equalities, Human Rights and Civil Justice Committee to recommend to the Parliament whether the instrument should be approved.
7. The Minister for Community Safety has, by motion [S6M-04747](#), proposed that the Committee recommends the approval of the instrument..
8. The Minister for Community Safety is due to attend the Committee meeting on 6 September to answer any questions on the instrument and to move the motion for approval.
9. **It is for the Committee to decide whether or not to agree to the motion, and then to report to the Parliament by 13 September 2022. Thereafter, the Parliament will be invited to approve the instrument.**
10. **The Committee is asked to delegate to the Convener authority to approve a short, factual report on the instrument for publication.**

Clerks to the Committee
September 2022

Annexe A

Scottish Government Policy Note

The Scottish Tribunals (Listed Tribunals) Regulations 2022

The above instrument is made in exercise of the powers conferred by section 27(2) of the Tribunals (Scotland) Act 2014. The instrument is subject to the affirmative procedure.

Purpose of the instrument

The purpose of the instrument is to amend the Tribunals (Scotland) Act 2014 to add the Council Tax Reduction Review Panel to the list of tribunals in Schedule 1, being the tribunals which can be transferred to the Scottish Tribunals.

Policy objectives

The Tribunals (Scotland) Act 2014 (the “2014 Act”) creates a new structure for the devolved tribunals in Scotland. The new structure consists of a First-tier Tribunal (FTT) for initial appeal decisions and an Upper Tribunal (UT) primarily for appeals from the FTT. These tribunals are known collectively as the Scottish Tribunals.

The 2014 Act contains a list of tribunals in Schedule 1, known as “listed tribunals”, from which functions and members may be transferred into the new structure. The list of tribunals in Schedule 1 can be modified by regulations made by the Scottish Ministers.

Fuller details of the policy objectives relating to the 2014 Act are described in the Policy Memorandum which accompanied the Tribunals (Scotland) 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

A consultation with interested parties took place in July 2021. This included the senior convenor of the Council Tax Reduction Review Panel together with members and secretaries of the Valuation Appeals Panels (as the functions relating to these Panels will also transfer) and a number of other interested individuals and organisations.

There were no comments on these regulations in response to the consultation.

Impact assessments

An equality impact assessment has already been completed covering the wider issues as part of the Tribunals (Scotland) Bill process – see link below for further information.

[Tribunals \(Scotland\) Bill - Equality Impact Assessment - Results \(webarchive.org.uk\)](https://web.archive.org/uk/https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/101111/tribunals-scotland-bill-equality-impact-assessment-results.pdf)

It was considered that no further equality impact assessment was required in relation to these regulations.

A Business and Regulatory Impact Assessment is not required as the instrument has no financial effects on the Scottish Government, local government, the third sector or on business.