

TRIBUNALS (SCOTLAND) ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 7 – Powers, Procedure and Administration

Supplementary provisions

Section 65 – Additional powers

214. This section enables the Scottish Ministers, by regulations, to confer such additional powers on the Scottish Tribunals as are necessary or expedient for the proper exercise of their functions. Such regulations may provide for the application of rules of court made by the Court of Session by act of sederunt in relation to the Scottish Tribunals. In so doing, the regulations may make provision so that the process for making the act of sederunt should follow the procedure for making Tribunal Rules (see section 68(4)). The Lord President's approval is required before making any such regulations.

Section 66 – Application of enactments

215. The effect of this section is to enable the Scottish Ministers, by regulations, to modify the application of any enactment so far as they consider is necessary or expedient for the purposes of making or giving effect to Tribunal Rules. Such regulations may provide for the application of rules of court made by the Court of Session by act of sederunt in relation to the Scottish Tribunals. In so doing, the regulations may make provision so that the process for making the act of sederunt should follow the procedure for making Tribunal Rules (see section 68(4)). The Lord President's approval is required before making any such regulations.

Section 67 – Offences in relation to proceedings

216. *Section 67* allows the Scottish Ministers, by regulations, to create certain types of offences in relation to proceedings before the First-tier and Upper Tribunals. This allows offences to be created in connection with tribunals, for things like making false statements and concealing or destroying evidence. *Section 67(1)(b)* allows regulations to be made specifying circumstances in which a person cannot be compelled to give or produce evidence. *Section 67(2)* sets out the maximum penalties regulations may apply to any offences created.