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**Changes to legislation:** Courts Reform (Scotland) Act 2014, Paragraph 3 is up to date with all changes known to be in force on or before 26 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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## SCHEDULE 4 THE SCOTTISH COURTS AND TRIBUNALS SERVICE

### PART 2

#### TRANSITIONAL PROVISION

##### *Existing tribunals*

- 3 (1) Until all of the functions of a tribunal listed in sub-paragraph (2) are transferred to the Scottish Tribunals by virtue of section 28 of the Tribunals (Scotland) Act 2014, sections 61A (administrative support for the Scottish Tribunals and their members) and 70 (default power of the Scottish Ministers) of the 2008 Act apply in relation to the tribunal, and to the members of the tribunal, as those sections apply in relation to the Scottish Tribunals and the members of those Tribunals.
- (2) The tribunals referred to in sub-paragraph (1) are—
- (a) the Lands Tribunal for Scotland, established by section 1 of the Lands Tribunal Act 1949,
  - (b) a private rented housing committee constituted in accordance with Schedule 4 to the Rent (Scotland) Act 1984,
  - (c) a homeowner housing committee constituted in accordance with that Schedule,
  - (d) the Mental Health Tribunal for Scotland, established by section 21 of the Mental Health (Care and Treatment) (Scotland) Act 2003,
  - (e) an Additional Support Needs Tribunal for Scotland constituted under section 17(1) of the Education (Additional Support for Learning) (Scotland) Act 2004,
  - (f) a Scottish Charity Appeals Panel constituted under section 75 of the Charities and Trustee Investment (Scotland) Act 2005,
  - (g) the First-tier Tax Tribunal for Scotland, established by section 21(1) of the Revenue Scotland and Tax Powers Act 2014,
  - (h) the Upper Tax Tribunal for Scotland, established by section 21(3) of the Revenue Scotland and Tax Powers Act 2014.
- (3) Paragraph 2(2)(g) of schedule 3 to the 2008 Act applies as if the reference to the position of Chamber President in the First-tier Tribunal for Scotland includes a reference to an office mentioned in sub-paragraph (4) in relation to a tribunal, for so long as section 61A of the 2008 Act applies, by virtue of sub-paragraph (1), to that tribunal (and paragraph 13(2)(aa) of schedule 3 to the 2008 Act is to be construed accordingly).
- (4) The offices and tribunals referred to in sub-paragraph (3) are—
- (a) President of the Lands Tribunal for Scotland, appointed under section 2(1) of the Lands Tribunal Act 1949, in relation to the Lands Tribunal for Scotland,
  - (b) President of the Private Rented Housing Panel, appointed under paragraph 4 of Schedule 4 to the Rent (Scotland) Act 1949, in relation to—
    - (i) a private rented housing committee,
    - (ii) a homeowner housing committee,

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- (c) President of the Mental Health Tribunal for Scotland, appointed under paragraph 3(1) of schedule 2 to the Mental Health (Care and Treatment) (Scotland) Act 2003, in relation to the Mental Health Tribunal for Scotland,
  - (d) President of the Additional Support Needs Tribunals for Scotland, appointed under section 17(2) of the Education (Additional Support for Learning) (Scotland) 2004, in relation to an Additional Support Needs Tribunal for Scotland,
  - (e) President of the Tax Tribunals, appointed under section 22(1) of the Revenue Scotland and Tax Powers Act 2014, in relation to the First-tier Tax Tribunal for Scotland and the Upper Tax Tribunal for Scotland.
- (5) The Scottish Ministers may by order—
- (a) add a reference to a tribunal which is, or is to be, listed in schedule 1 to the Tribunals (Scotland) Act 2014 to sub-paragraph (2),
  - (b) add a reference to an office in relation to the tribunal to sub-paragraph (4).
- (6) In this paragraph—
- “the 2008 Act” means the Judiciary and Courts (Scotland) Act 2008,
  - “the Scottish Tribunals” means the First-tier Tribunal for Scotland and the Upper Tribunal for Scotland.

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**Commencement Information**

- I1** Sch. 4 para. 3(1)-(4)(6) in force at 2.2.2015 for specified purposes by [S.S.I. 2015/12](#), [art. 2](#)
- I2** Sch. 4 para. 3(1)-(4)(6) in force at 1.4.2015 in so far as not already in force by [S.S.I. 2015/77](#), [art. 2\(2\)\(3\)](#), [Sch.](#)
- I3** Sch. 4 para. 3(5) in force at 1.4.2015 by [S.S.I. 2015/77](#), [art. 2\(2\)\(3\)](#), [Sch.](#)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- sch. 1 para. 5A and cross-heading inserted by [2020 asp 9 s. 9](#)
- sch. 1 para. 2(g)(h) inserted by [2021 asp 16 s. 15\(8\)](#)