



Tribunals (Scotland) Act 2014

2014 asp 10

PART 6

REVIEW OR APPEAL OF DECISIONS

CHAPTER 1

TRIBUNAL DECISIONS

Excluded decisions

51 Excluded decisions

A decision falling within any of sections 52 to 54 is an excluded decision for the purposes of—

- (a) a review under section 43,
- (b) an appeal under section 46 or 48.

52 Decisions on review

(1) Falling within this section is—

- (a) a decision set aside in a review under section 43 (see section 44(1)(b)),
- (b) a decision in such a review, except a decision of the kind mentioned in subsection (2).

(2) That is, a decision made by virtue of section 44(2)(a), (3)(a) or (4) (and accordingly a decision so made is not an excluded decision).

53 Other appeal rights

- (1) Falling within this section is a decision against which there is a right of appeal under an enactment apart from this Act.
- (2) The Scottish Ministers may by regulations make provision—

Status: This is the original version (as it was originally enacted).

- (a) to which subsection (1) is subject (for example, by specifying an exception to what falls within this section),
- (b) for a right of appeal under an enactment apart from this Act to cease to be exercisable in relation to a decision no longer falling within this section.

54 Position on transfer-in

- (1) Where any functions are transferred to the First-tier Tribunal or Upper Tribunal by virtue of regulations made under section 28(2), a decision made in the exercise of the functions falls within this section if it is specified in regulations made by the Scottish Ministers under this subsection.
- (2) Regulations under subsection (1) may specify a decision only if, immediately before the transfer of the functions in the exercise of which it is made, there is no right of appeal against the decision.