

EXECUTIVE NOTE

THE ADMINISTRATIVE JUSTICE AND TRIBUNALS COUNCIL (LISTED TRIBUNALS) (SCOTLAND) ORDER 2007 (SSI 2007/436)

This Order is made in exercise of the powers conferred by section 49(3) of, and paragraphs 25(2), (3)(a)(ii) and (4) and 26 of Schedule 7 to, the Tribunals, Courts and Enforcement Act 2007 (“the 2007 Act”). The instrument is subject to negative resolution parliamentary procedure.

1. It lists those tribunals for which the Scottish Ministers are the responsible authority as defined in paragraph 26 of Schedule 7 to the 2007 Act.

Background

2. The Council on Tribunals (“the Council”) and its Scottish committee operates under the Tribunals and Inquiries Act 1992 (“the 1992 Act”). Its statutory purpose is to keep under review and report on the constitution and working of tribunals under its supervision. The Council and its Scottish Committee has to consider and report on particular matters that may be referred to it under the 1992 Act with respect to tribunals and, where necessary, to consider and report on the administrative procedures of statutory inquiries. Schedule 1 Part 11 of the 1992 Act lists those tribunals which are under direct supervision of the Scottish Committee of the Council (ScoCoT).

3. Part 1 of the 2007 Act replaces the Council on Tribunals, and its Scottish Committee, with the Administrative Justice and Tribunals Council (“the AJTC”) which has been given a broader remit and creates new Scottish and Welsh Committees.

4. Under the 2007 Act, the AJTC will adopt a similar role in relation to the supervision of tribunals as that currently exercised by the Council on Tribunals. But in addition to taking on the Council on Tribunals’ current remit, the AJTC will be charged with keeping the administrative justice system as a whole under review.

Policy Objective

5. The AJTC and the Scottish Committee are tasked with considering how to make the administrative system more accessible, fair and efficient by focusing particularly on the needs of the public and users. This Order lists the tribunals, in relation to which the Scottish Ministers are the responsible authority and will ensure a seamless transition between ScoCoT and the new Scottish Committee.

Financial Effects

6. No financial impact to the Scottish Government. The administration costs of the AJTC and the Scottish Committee will be met by the Ministry of Justice.

Civil and International Justice Directorate
St Andrews House
13 September 2007