

POLICY NOTE

THE SCOTTISH TRIBUNALS (LISTED TRIBUNALS) REGULATIONS 2015

SSI 2015/404

1. 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 affirmative procedure.

Policy Objectives

2. These Regulations amends paragraph 5 of Part 1 and paragraph 13(5) of Part 2 of Schedule 1 of the Tribunals (Scotland) Act 2014 (“the 2014 Act”) to include the homeowner housing panel (hohp), the private rented housing panel (prhp) and the functions exercisable by the Housing (Scotland) Act 2006 and the Property Factors (Scotland) Act 2011.

3. This is necessary because under the 2014 Act, the functions which may be transferred to the new Scottish Tribunals are those exercisable by a private rented housing committee (prhc) and homeowner housing committee (hohc) and not those exercisable by the private rented housing panel (prhp) or the homeowner housing panel (hohp).

4. Section 35 of the Private Rented Housing (Scotland) Act 2011 amends the Housing (Scotland) Act 2006 to provide that a private sector landlord may apply to the prhp as opposed to the prhc for assistance in exercising their rights of entry for the purpose of determining whether their property meets the repairing standard, or to carry out work necessary to comply with the repairing standard or a repairing standard enforcement order. This section of the 2011 Act is to be commenced in December 2015 so it is therefore necessary to amend the Schedule in the 2014 Act to also include references to the panels as well as the committees.

5. In a similar vein the Regulations also add reference to the hohp and the functions exercisable by the panel under the Property Factors (Scotland) Act 2011.

6. The policy objectives relating to the Tribunals (Scotland) Act 2014 Act are fully described in the Policy Memorandum which accompanied the 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

7. A consultation with interested parties took place between April and July 2015 these included the tribunals listed in Schedule 1 of the 2014 Act including the Mental Health Tribunal for Scotland, the Additional Support Needs Tribunals for Scotland, the Lands Tribunal and a number of other individuals and organisations. There were no comments made on the proposed amendments to the listed tribunals.

Impact Assessments

8. As the Order is technical amendment to add to the listed tribunals we do not consider there is a requirement for any Impact Assessments on this occasion.

9. 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.

<http://www.scotland.gov.uk/Resource/0042/00421637.pdf>

Scottish Government
Learning and Justice Directorate

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