

2016 No. 231

TRIBUNALS AND INQUIRIES

The Scottish Tribunals (Time Limits) Regulations 2016

Made - - - - *17th August 2016*

Laid before the Scottish Parliament *19th August 2016*

Coming into force - - *1st December 2016*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 55(1), 79(1)(a) and paragraph 4(2) of schedule 9 of the Tribunals (Scotland) Act 2014(a) and all other powers enabling them to do so.

In accordance with paragraph 4(3) of schedule 9 of that Act, the Scottish Ministers have consulted with the President of Tribunals and such other persons as they considered appropriate.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Scottish Tribunals (Time Limits) Regulations 2016.

(2) These Regulations come into force on 1st December 2016.

(3) In these Regulations—

“the 2014 Act” means the Tribunals (Scotland) Act 2014;

“appellant” means a party applying for permission to appeal; and

“hearing” means an oral hearing and includes a hearing conducted in whole or in part by video link, telephone or other means of instantaneous two-way electronic communication.

Time limits for applying to the First-tier Tribunal or Upper Tribunal for permission to appeal against its own decision

2.—(1) An application for permission under sections 46(3)(a) or 48(3)(a) of the Act (application for permission to appeal the Tribunal’s own decision) must be received by the Tribunal whose decision is being appealed against within the period of 30 days beginning with the relevant date.

(2) The First-tier Tribunal or the Upper Tribunal, as appropriate, may on cause shown extend the period beyond 30 days if it considers such an extension to be in the interests of justice.

(3) Subject to paragraph (4), the relevant date is the later of the date on which—

(a) the decision appealed against was sent to the appellant;

(b) the statement of reasons for the decision was sent to the appellant.

- (4) But where a decision is given orally at a hearing, the relevant date is either—
- (a) the date on which written reasons were sent to the parties, if—
 - (i) written reasons were requested at the hearing (or were requested in writing within 14 days beginning with the day after the last day of the hearing); or
 - (ii) the First-tier Tribunal or the Upper Tribunal, as appropriate, undertook at the hearing to provide written reasons; or
 - (b) the date of the oral decision, if—
 - (i) written reasons were not requested at the hearing (or were not requested in writing within 14 days beginning with the day after the last day of the hearing); or
 - (ii) the First-tier Tribunal or the Upper Tribunal, as appropriate, did not undertake at the hearing to provide written reasons.

Time limits for applying to the Upper Tribunal for permission to appeal against a decision of the First-tier Tribunal

3.—(1) An application for permission under section 46(3)(b) of the 2014 Act (application for permission to appeal to the Upper Tribunal against a decision of the First-tier Tribunal) must be received by the Upper Tribunal within the period of 30 days beginning with the relevant date.

(2) The relevant date is the date on which notice of the First-tier Tribunal’s refusal of permission to appeal was sent to the appellant.

(3) The Upper Tribunal may on cause shown extend the period beyond 30 days if it considers such an extension to be in the interests of justice.

St Andrew’s House,
Edinburgh
17th August 2016

ANNABELLE EWING
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Tribunals (Scotland) Act 2014 created a new structure for tribunals dealing with devolved matters under the judicial leadership of the Lord President of the Court of Session as head of the Scottish Tribunals. It created a First-tier Tribunal and an Upper Tribunal. Generally, the First-tier Tribunal will deal with cases in the first instance to which a general right of appeal will lie to the Upper Tribunal.

Under section 46(3), to appeal against a decision of the First-tier Tribunal, permission must be given by that Tribunal or, if it refuses permission, permission must be given by the Upper Tribunal.

Under section 48(3), to appeal against a decision of the Upper Tribunal, permission must be given by that Tribunal or, if it refuses permission, permission must be given by the Court of Session.

These Regulations set time limits for applications for permission to appeal to the First-tier Tribunal or the Upper Tribunal against that Tribunal's own decision or to the Upper Tribunal against a decision of the First-tier Tribunal where permission to appeal has already been refused by the First-tier Tribunal.

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