

POLICY NOTE

THE UPPER TRIBUNAL FOR SCOTLAND (RULES OF PROCEDURE) REGULATIONS 2016

SSI 2016/232

1. The above instrument was made in exercise of the powers conferred by paragraph 4(1)(b) and (2) of Schedule 9 of the Tribunals (Scotland) Act 2014 (the 2014 Act). In accordance with paragraph 4(3) of Schedule 9 to the 2014 Act the President of Tribunals has been consulted on these regulations.

Policy Objectives

2. The 2014 Act allows rules to be made to regulate the practice and procedure of both the First-tier and Upper Tribunals. Paragraph 4(2) of Schedule 9 of the 2014 Act allows rules to be made by the Scottish Ministers until such time as responsibility for rule making passes to the Court of Session.
3. These regulations establish rules of procedure for the Upper Tribunal, which strike an appropriate balance between conferring on the Tribunal broad powers to regulate its own procedure and a reasonable level of prescription in key areas such as the process for appealing a decision.
4. Fuller details of the policy objectives relating to the 2014 Act are described in the Policy Memorandum which accompanied the Tribunals 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

5. A consultation with interested parties took place between September and December 2015. There were 24 responses to this consultation. The responses and analysis document are available on the Scottish Government website:
<https://consult.scotland.gov.uk/tribunals-administrative-justice-policy/first-consultation-tribunals-scotland-act-2014>

Impact Assessments

6. An equality impact assessment was completed for these regulations and showed that the regulations are intended to apply equally and appear to have no differential effect on the basis of the protected characteristics.
7. The Equality Impact Assessment is available at the link below:
<http://www.gov.scot/Topics/People/Equality/18507/EqualityImpactAssessmentSearch>
8. An Equality Impact Assessment was also completed for the Tribunals (Scotland) Bill – see link below:
<http://www.scotland.gov.uk/Resource/0042/00421637.pdf>

9. A Business and Regulatory Impact Assessment is not required as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Learning and Justice Directorate
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