

SCHEDULE

The Upper Tribunal for Scotland Rules of Procedure 2016

PART 1

Interpretation

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1. In these Rules—

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

“Appeal Appendix” means all the documents and authorities to be relied on for the purpose of the appeal along with an inventory;

“appellant” means—

- (a) a person who makes an appeal to the Upper Tribunal;
- (b) a person who has had an application to the First-tier Tribunal transferred to the Upper Tribunal; or
- (c) in any case, a person substituted as an appellant under rule 11(1) (addition, substitution and removal of parties);

“Convention rights” has the meaning given to it in section 1 of the Human Rights Act 1998⁽¹⁾;

“document” means anything in which information is recorded in any form;

“excluded decision” means a decision referred to in section 51 of the 2014 Act;

“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;

“interested party” means a person other than the appellant or respondent on whom the First-tier Tribunal has ordered the proceedings before it to be served;

“party” means a person who is (or was at the time that the Upper Tribunal disposed of the proceedings) an appellant or respondent in proceedings before the Upper Tribunal;

“practice direction” means a practice direction issued in terms of section 74 of the 2014 Act;

“President” means the President of Tribunals;

“proceedings” includes, unless indicated otherwise, a part of the proceedings;

“respondent” means—

- (a) in an appeal against a decision of the First-tier Tribunal, that tribunal and any person other than the appellant who—
 - (i) was a party before the First-tier Tribunal;
 - (ii) otherwise has a right of appeal against the decision of the First-tier Tribunal and has given notice to the Upper Tribunal that they wish to be a party to the appeal;
- (b) in proceedings transferred or referred to the Upper Tribunal from the First-tier Tribunal, a person who was a respondent in the proceedings in the First-tier Tribunal; or
- (c) in any case, a person substituted or added as a respondent under rule 11 (addition, substitution and removal of parties);

(1) 1998 c.42.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

“review period” means the time period between an application by a party for a review under rule 30(1), or, as the case may be, the Upper Tribunal’s decision to review a decision under that rule, and the receipt by a party of a notification under rule 30(6); and

“witness statement” means a written statement of a witness ordered by the Upper Tribunal to stand for the evidence-in-chief of the witness.