

POLICY NOTE

THE FIRST-TIER TRIBUNAL FOR SCOTLAND (OATHS) REGULATIONS 2017

SSI 2017/148

1. The above instrument was made in exercise of the powers conferred by section 80 of the Tribunals (Scotland) Act 2014 (“the 2014 Act”).

Policy Objectives

2. The 2014 Act requires Chamber Presidents and members of the First-tier Tribunal for Scotland (First-tier Tribunal) to take the oath of allegiance and the judicial oath. The policy objective of these Regulations is to allow these oaths to be taken in advance of a person actually taking up office in the First-tier Tribunal.
3. These Regulations allow the President of Tribunals to administer the oaths to an individual who is likely to become a Chamber President of the First-tier Tribunal. This can be done as long as the individual has received a letter from the Scottish Ministers stating that it is their intention to appoint the person as a Chamber President.
4. These Regulations also allow a member of a tribunal listed in schedule 1 of the 2014 Act to take the required oaths in advance of transfer to the First-tier Tribunal and in the presence of an “appropriate office holder”. An “appropriate office holder” is defined as the President of the relevant tribunal listed in schedule 1 of the 2014 Act or another person who is to become the Chamber President of the relevant chamber.
5. 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

6. A targeted consultation with the relevant Tribunal Presidents and the President of Tribunals was undertaken.

Impact Assessments

7. An Equality Impact Assessment was completed for the Tribunals (Scotland) Bill – see link below:
<http://www.scotland.gov.uk/Resource/0042/00421637.pdf>
8. An Equality Impact Assessment is not required for these Regulations.

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
May 2017