

## POLICY NOTE

### THE SCOTTISH TRIBUNALS (ELIGIBILITY FOR APPOINTMENT) AMENDMENT REGULATIONS 2017

#### SSI 2017/274

1. The above instrument was made in exercise of the powers conferred by paragraphs 1(2) of schedule 3 of the Tribunals (Scotland) Act 2014 (the 2014 Act).
2. The instrument amends The Scottish Tribunals (Eligibility for Appointment) Regulations 2015. Those regulations set the criteria for legal members of the First-tier Tribunal, legal members of the Upper Tribunal, and ordinary members of the First-tier Tribunal with either tax experience, or housing, property or surveying experience.  
<http://www.legislation.gov.uk/ssi/2015/381/made>

#### Policy Objectives

3. The 2014 Act specifies that the First-tier Tribunal may comprise ordinary, legal and judicial members. Ordinary members are appointed to the First-tier Tribunal and then assigned to a Chamber by the President of Tribunals based on their jurisdictional expertise.
4. These regulations create the eligibility criteria for ordinary members of the First-tier Tribunal for Scotland with health and education experience, or with charity regulatory experience. Members with these areas of expertise will be assigned to the Health and Education Chamber or the General Regulatory Chamber respectively.
5. The criteria for eligibility for appointment as an ordinary member with health and education experience is that the person has knowledge and experience of (a) children or young persons with additional support needs within the meaning of section 1(1) of the Education (Additional Support for Learning) (Scotland) Act (2004), or (b) a disability within the meaning of section 6 of the Equality Act 2010.
6. The criteria for eligibility for appointment as an ordinary member with charity regulatory experience is that the person has knowledge and experience in accounting or governance of public or private bodies or charities.
7. Fuller details of the policy objectives relating to the 2014 Act are 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

8. A consultation with interested parties took place between May and August 2017. There were 15 responses to this consultation. The responses are available on the Scottish Government website:  
<https://consult.scotland.gov.uk/tribunals-administrative-justice-policy/additional-support-needs-tribunals/>

<https://consult.scotland.gov.uk/tribunals-administrative-justice-policy/transferring-scap-to-scottish-tribunals/>

### **Impact Assessments**

9. An Equality Impact Assessment has already been completed on the Tribunals (Scotland) Bill – see link below.  
<http://www.scotland.gov.uk/Resource/0042/00421637.pdf>
10. An Equality Impact Assessment is not required for these Regulations.
11. 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  
Education, Communities and Justice Directorate  
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