

POLICY NOTE

THE FIRST-TIER TRIBUNAL FOR SCOTLAND HOUSING AND PROPERTY CHAMBER (PROCEDURE) AMENDMENT REGULATIONS 2017

SSI 2017/68

1. The above instrument was made in exercise of the powers conferred by section 43(3)(b)(ii) and paragraph 4(2) of Schedule 9 to 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 to 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. The policy aim of these regulations is to revise the review and seeking permission to appeal provisions in the Housing and Property Chamber Rules of Procedure 2016¹ to ensure that timescales are not elongated.

4. These regulations revise the procedure for reviewing and seeking permission to appeal set out in the Housing and Property Chamber Rules of Procedure 2016. The First-tier Tribunal may now at any time correct clerical mistakes, accidental slips or omissions. The regulations limit the time period for parties to request a review to 14 days from the date on which the decision of the tribunal was made or the date that the written reasons were sent to the parties. The regulations also set out that requesting a review does not affect the time limit of 30 days for seeking permission to appeal a decision.

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 took place with key stakeholders between November 2016 and January 2017.

Impact Assessments

7. 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.

¹ <http://www.legislation.gov.uk/ssi/2016/339/contents/made>

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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