

SCHEDULE 1

Regulation 4(2)

Transitional and savings provisions

Appeals and proceedings in progress before the Scottish Charity Appeals Panel immediately before 12th January 2018 to transfer to the First-tier Tribunal

1. Any appeal to the Scottish Charity Appeals Panel in progress immediately before 12th January 2018 but not yet determined and any proceedings of the Scottish Charity Appeals Panel in progress immediately before that date shall be transferred to and be completed by the First-tier Tribunal but with so far as possible the same persons hearing and determining the case before the First-tier Tribunal as members of that tribunal as were prior to 12th January 2018 hearing the case as members of the Scottish Charity Appeals Panel.

Decisions, directions and orders of the Scottish Charity Appeals Panel to continue in force

2. Any decision (whether or not called a decision), direction or order given or made in or in respect of a reference or claim to, and proceedings before, the Scottish Charity Appeals Panel which is in force immediately before 12th January 2018 remains in force on and after that date as if it were a decision, direction or order of the First-tier Tribunal.

Time limits in respect of appeals to, and proceedings before, the Scottish Charity Appeals Panel to carry over to the First-tier Tribunal

3. Any time limit which has started to run before 12th January 2018 in respect of appeals to, and proceedings before, the Scottish Charity Appeals Panel (and which has not expired) shall continue to apply where appeals and proceedings are transferred to the First-tier Tribunal.

Unexercised right of appeal to Court of Session, if exercised, is an appeal to the Upper Tribunal

4. Where in respect of a decision of the Scottish Charity Appeals Panel before 12th January 2018, there lies a right of appeal to the Court of Session, which has not been exercised before that date but is still exercisable, any appeal on or after 12th January 2018 shall be to the Upper Tribunal as if the decision had been made by the First-tier Tribunal and the appeal shall be an appeal from the First-tier Tribunal for the purposes of section 46(1) of the 2014 Act.

Exercised right of appeal to the Court of Session shall be completed by the Court of Session

5. Where in respect of a decision of the Scottish Charity Appeals Panel before 12th January 2018, there lies a right of appeal to the Court of Session which has been exercised before that date, the appeal shall not be affected by these Regulations and be completed by the Court of Session.

SCHEDULE 2

Regulation 5

Consequential amendments

Tribunals and Inquiries Act 1992

1.—(1) The Tribunals and Inquiries Act 1992(1) is amended as follows.

(1) 1992 c.53.

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

(2) In Part II of schedule 1 (Scottish tribunals), paragraph 47A is repealed.

Charities and Trustee Investment (Scotland) Act 2005

2.—(1) The Charities and Trustee Investment (Scotland) Act 2005⁽²⁾ is amended as follows.

(2) In section 73 (effect of decisions)—

(a) in subsection (2)(b)(i) for “Panel” substitute “First-tier Tribunal”; and

(b) in subsection (2)(b)(ii)—

(i) for “Panel” substitute “First-tier Tribunal”; and

(ii) for “Court of Session” substitute “Upper Tribunal”.

(3) Section 75 (Scottish Charity Appeals Panel) and schedule 2 (Scottish Charity Appeals Panel) are repealed.

(4) In section 76 (appeals to Scottish Charity Appeals Panel)—

(a) in subsection (1) for “Panel” substitute “First-tier Tribunal”;

(b) in subsection (2) for “Panel” substitute “First-tier Tribunal”;

(c) in subsection (5)—

(i) in the opening words, for “Panel” substitute “First-tier Tribunal”;

(ii) in paragraph (b), for “Panel” substitute “First-tier Tribunal”; and

(iii) in paragraph (c), for “Panel’s” substitute “First-tier Tribunal’s”; and

(d) the title of section 76 becomes “Appeals to the First-tier Tribunal”.

(5) In sub-section (1)(c) of section 77 (reconsideration of decision remitted to OSCR), for “Panel” substitute “First-tier Tribunal”.

(6) In section 78 (appeals to Court of Session) paragraph (1) is repealed.

(7) In section 106 (general interpretation)—

(a) after the definition of “equal opportunities” insert ““the First-tier Tribunal” means the First-tier Tribunal for Scotland General Regulatory Chamber”; and

(b) the definition of “the Panel” is repealed.

Public Services Reform (Scotland) Act 2010

3.—(1) The Public Services Reform (Scotland) Act 2010⁽³⁾ is amended as follows.

(2) In schedule 5 (improvement of public functions: listed bodies), the entry for “Scottish Charity Appeals Panel” is repealed.

(3) In schedule 8 (information on exercise of public functions: listed public bodies), the entry for “Scottish Charity Appeals Panel” is repealed.

Public Records(Scotland) Act 2011

4.—(1) The Public Records (Scotland) Act 2011⁽⁴⁾ is amended as follows.

(2) In schedule 1 (authorities to which Part 1 applies) the entry for “Scottish Charity Appeals Panel” is repealed.

(2) 2005 asp 10.

(3) 2010 asp 8.

(4) 2011 asp 12.

SCHEDULE 3

Regulation 6

Revocation of subordinate legislation

1. The Scottish Charity Appeals Panel Rules 2006⁽⁵⁾ are revoked.

⁽⁵⁾ S.S.I. 2006/571.