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SCOTTISH STATUTORY INSTRUMENTS

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**2021 No. 341**

**TRIBUNALS AND INQUIRIES**

**The Scottish Tribunals (Eligibility for Appointment) Amendment Regulations 2021**

*Made* - - - - 24th September 2021  
*Laid before the Scottish Parliament* - - - - 28th September 2021  
*Coming into force* - - 23rd November 2021

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 32(1) and (3), paragraph 1(2) of schedule 3 and paragraph 1(2) of schedule 5 of the Tribunals (Scotland) Act 2014<sup>(1)</sup> and all other powers enabling them to do so.

**Citation and commencement**

1. These Regulations may be cited as the Scottish Tribunals (Eligibility for Appointment) Amendment Regulations 2021 and come into force on 23 November 2021.

**Amendment of the Scottish Tribunals (Eligibility for Appointment) Regulations 2015**

2.—(1) The Scottish Tribunals (Eligibility for Appointment) Regulations 2015<sup>(2)</sup> are amended in accordance with paragraphs (2) to (5).

(2) For regulation 1(2) (interpretation), substitute—

“(2) In these Regulations—

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

“RICS” means the Royal Institution of Chartered Surveyors or any successor body.”.

(3) In regulation 3(5) (eligibility for appointment as an ordinary member of the First-tier Tribunal for Scotland (housing, property or surveying experience)), for “the Royal Institution of Chartered Surveyors (“RICS”)” substitute “RICS”.

(4) After regulation 3D (eligibility for appointment as an ordinary member of the First-tier Tribunal for Scotland (disability experience)) insert—

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(1) 2014 asp 10.

(2) S.S.I. 2015/381, relevantly amended by S.S.I. 2017/274 and S.S.I. 2018/276.

**“Eligibility for appointment as an ordinary member of the First-tier Tribunal for Scotland (valuation experience)”**

**3E.**—(1) A person is eligible for appointment as an ordinary member of the First-tier Tribunal for Scotland if the person—

- (a) has knowledge of a valuation area, and
- (b) has substantial experience of the valuation of domestic or non-domestic properties.

(2) In this regulation—

- (a) “substantial experience of the valuation of domestic or non-domestic properties” means either—
  - (i) demonstrable knowledge and understanding of relevant valuation matters, whether obtained in a business, trade, charity or not-for-profit organisation, profession or academia (but such experience does not count as relevant experience where a person is a former member of professional body, board or academic institution if the person has been debarred from that body, board or institution or has been subject to any sanction that would have led to such debarment had the person not ceased to belong to it), or
  - (ii) at least 3 years’ experience regularly sitting as a member of a valuation appeals committee constituted under section 29(1) of the Local Government etc. (Scotland) Act 1994(3),
- (b) “a valuation area” has the meaning given in section 27(1) of the Local Government etc. (Scotland) Act 1994,
- (c) “regularly” means at least 4 times per year.

**Eligibility for appointment as an ordinary member of the First-tier Tribunal for Scotland (surveyor rating experience)**

**3F.**—(1) A person is eligible for appointment as an ordinary member of the First-tier Tribunal for Scotland if the person—

- (a) is, or has within the last 5 years been, a member or fellow of RICS, and
- (b) has substantial experience as a surveyor in rating matters.

(2) In this regulation, “substantial experience as a surveyor in rating matters” means at least 5 years’ experience as a member or fellow of RICS in matters relating to valuation for rating, but such experience does not count as relevant experience where a person is a former member or fellow of RICS, if the person has been debarred from RICS or if the person has been subject to any sanction that would have led to such debarment had the person not ceased to belong to RICS.”.

(5) After regulation 5 (eligibility for appointment as a legal member of the Upper Tribunal for Scotland) insert—

**“Eligibility for appointment as an ordinary member of the Upper Tribunal for Scotland (surveyor experience)”**

**6.** A person is eligible for appointment as an ordinary member of the Upper Tribunal for Scotland if the person —

- (a) is a member or fellow of RICS, and

- (b) has at least 10 years' experience as such a member or fellow in matters relating to valuation for rating.”.

St Andrew's House  
Edinburgh  
24th September 2021

*ASH DENHAM*  
Authorised to sign by the Scottish Ministers

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

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## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Scottish Tribunals (Eligibility for Appointment) Regulations 2015 to set eligibility criteria for appointment of ordinary members of the First-tier Tribunal for Scotland who have valuation or surveyor experience, and for ordinary members of the Upper Tribunal for Scotland who have surveyor experience.

These Regulations are part of a set of regulations which will bring the functions of the valuation appeals committees and the valuation appeals functions of the Lands Tribunal for Scotland into the Scottish Tribunals. Forthcoming regulations will make provision for the remaining aspects of the transfer.