

# TRIBUNALS (SCOTLAND) ACT 2014

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### Part 1 – The Scottish Tribunals

##### Overarching Responsibilities

##### *Section 6 – Representation of interests*

14. Under this section, the Lord President is responsible for representing the views of the members of the Scottish Tribunals to the Scottish Parliament and to the Scottish Ministers and for laying written representations before Parliament on matters of importance relating to the Scottish Tribunals. The Lord President is not authorised to delegate these specific duties under section 8.

##### *Section 7 – Business arrangements*

15. Under section 7, the Lord President is responsible for making and maintaining appropriate arrangements to ensure the efficient disposal of business by the Scottish Tribunals and the welfare of their members. The Lord President may delegate the discharge of these responsibilities to the President of Tribunals (see section 8).

##### *Section 8 – Delegation of functions*

16. [Section 8](#) authorises the Lord President to delegate to the President of Tribunals the exercise of any of the functions listed in section 7(1) or (2) (business arrangements), section 33(1) and (2) (assignment policy) or section 34(1) or (2) (training and review). Section 8 should be read with section 9 which enables the Lord President to issue directions as to the exercise of any functions which are delegated under section 8.

##### *Section 9 – Directions on functions*

17. This section enables the Lord President to issue directions as to the exercise of the functions of the President of Tribunals in relation to the Scottish Tribunals. This would include any functions conferred directly on the President of Tribunals by the Act or any functions which are delegated to the President of Tribunals by the Lord President under section 8.

##### *Section 10 – Authority under regulations*

18. [Section 10](#) makes provision as to the exercise of the regulation-making powers contained in section 20(2) (chambers in the First-tier Tribunal), section 23(2) (divisions of the Upper Tribunal), section 38(1) (composition of the First-tier Tribunal), section 40(1) (composition of the Upper Tribunal) and 41(1) (voting for decisions) by the Scottish Ministers. These are more fully explained in the explanatory notes relating to those sections.

***Section 11 – Consultation on regulations***

19. This section imposes a consultation requirement on the Scottish Ministers before the exercise of the regulation-making powers contained in sections 20(2), 23(2), 38(1), 40(1) and 41(1). These are more fully explained in the explanatory notes relating to those sections.

***Section 12 – Principle to be observed***

20. This section provides an overarching guiding principle for the Scottish Tribunals. Subsection (1) places a duty on the Scottish Ministers to have regard to this principle when exercising their regulation making functions. Subsection (2) places a duty on the Lord President and President of Scottish Tribunals that in exercising their leadership functions they must have regard to this principle. Subsection (3) contains the principle.