LISTED TRIBUNALS

(1) For the purposes of this Part, the listed tribunals are the tribunals for the time being included in the list in Part 1 of schedule 1 as read in conjunction with the further specification in Part 2 of that schedule.

(2) The Scottish Ministers may by regulations modify—
(a) the list in Part 1 of schedule 1,
(b) the further specification in Part 2 of that schedule.

(3) A tribunal may be added to the list in Part 1 of schedule 1 only if it is established by or under an enactment (whenever passed or made).

(4) For the purposes of this section, a reference to a tribunal includes any body, office-holder or individual having decision-making functions that are exercisable as follows (but only as far as having such or other functions that are so exercisable)—
(a) as, or in the manner of, a tribunal, and
(b) with respect to the determination or resolution of legal, administrative or other disputes between parties of any kind.

(5) Despite that generality, a reference to a tribunal does not for the purposes of this section include—
(a) any of the Scottish courts referred to in section 2 of the Judiciary and Courts (Scotland) Act 2008 (see subsection (6) of that section),
(b) the Scottish Land Court,
(c) a tribunal—
(i) constituted under section 35 of the Judiciary and Courts (Scotland) Act 2008,
(ii) constituted under [F1 section 21 of the Courts Reform (Scotland) Act 2014], or
(iii) appointed under section 71(2) of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007, or
(d) a fitness assessment tribunal constituted under paragraph 13 of schedule 8.

Annotations:

Amendments (Textual)
F1 Words in s. 27(5)(c)(ii) substituted (1.4.2016) by The Courts Reform (Scotland) Act 2014 (Consequential Provisions) Order 2016 (S.S.I. 2016/142), arts. 1, 4

Commencement Information
I1 S. 27 in force at 1.4.2015 by S.S.I. 2015/116, art. 2

28 Transfer-in of functions

(1) The functions of each of the listed tribunals are to become the functions of the Scottish Tribunals at such time and in so far as the Scottish Ministers consider appropriate.

(2) Accordingly, the Scottish Ministers may by regulations provide for some or all of the functions of a listed tribunal to be transferred from it—
   (a) to the First-tier Tribunal only,
   (b) to the Upper Tribunal only, or
   (c) to the First-tier Tribunal and the Upper Tribunal.

(3) If regulations under subsection (2) provide for any functions of a listed tribunal to be transferred as mentioned in paragraph (c) of that subsection, the regulations may also—
   (a) give particular functions to one of the Tribunals (but not the other), or
   (b) make provision of the sort allowed by subsection (5).

(4) Where by virtue of regulations made under subsection (2) any functions of a listed tribunal have been transferred as mentioned in paragraph (a), (b) or (c) of that subsection, the Scottish Ministers may by regulations—
   (a) provide for the functions, or particular functions, to be redistributed between the Tribunals by—
      (i) transferring them from either of the Tribunals to the other,
      (ii) taking them away from one of the Tribunals (but not the other), or
      (iii) causing them to be exercisable by both of the Tribunals (instead of one only),
   (b) if they are so redistributed by causing them to be exercisable by both of the Tribunals, also make provision of the sort allowed by subsection (5).

(5) This subsection allows provision enabling the question as to which of the Tribunals is to exercise particular functions in a specific case or in specified circumstances to be determined, including as against any prescribed criteria—
   (a) in accordance with Tribunal Rules, or
   (b) by the President of Tribunals (whether or not by reference to Tribunal Rules).
(6) Regulations under subsection (2) or (4) may include provision for the purposes of or in connection with, or for giving full effect to, a transfer or redistribution of any functions to which the regulations apply.

(7) Provision included in such regulations by virtue of subsection (6) may modify any enactment concerning a listed tribunal.

(8) A particular instrument containing regulations under subsection (2) may not relate to the functions of more than one of the listed tribunals.

**Annotations:**

**Commencement Information**

12 S. 28 in force at 1.4.2015 by S.S.I. 2015/116, art. 2

29 **Transfer-in of members**

Schedule 2 contains provision for the transfer of certain persons from the listed tribunals into the Scottish Tribunals to hold—

(a) particular named positions,

(b) ordinary or legal membership generally.

**Annotations:**

**Commencement Information**

13 S. 29 in force at 1.4.2015 by S.S.I. 2015/116, art. 2
Changes to legislation:
There are currently no known outstanding effects for the Tribunals (Scotland) Act 2014, Cross Heading: Transfer-in from listed tribunals.