



Tribunals (Scotland) Act 2014

2014 asp 10

PART 7

POWERS, PROCEDURE AND ADMINISTRATION

CHAPTER 2

PRACTICE AND PROCEDURE

Tribunal Rules

68 Tribunal Rules

- (1) There are to be rules—
 - (a) regulating the practice and procedure to be followed in proceedings at—
 - (i) the First-tier Tribunal,
 - (ii) the Upper Tribunal, and
 - (b) containing provision of other sorts appropriate with respect to the Scottish Tribunals (including in relation to the exercise by them of their functions).
- (2) Rules of the kind mentioned in subsection (1) are to be known as Scottish Tribunal Rules (and in this Act they are referred to as Tribunal Rules).
- (3) Tribunal Rules are to be made by the Court of Session by act of sederunt.
- (4) Part 1 of the Scottish Civil Justice Council and Criminal Legal Assistance Act 2013 includes further provision about the making of Tribunal Rules.

Commencement Information

II S. 68 in force at 1.4.2015 by S.S.I. 2015/116, art. 2

Status: Point in time view as at 01/04/2015.

Changes to legislation: There are currently no known outstanding effects for the Tribunals (Scotland) Act 2014, CHAPTER 2. (See end of Document for details)

69 Exercise of functions

- (1) Tribunal Rules may confer functions on the persons mentioned in subsection (5) or the other members of the Scottish Tribunals.
- (2) Tribunal Rules may, in relation to any functions exercisable by the persons mentioned in subsection (5) or the other members of the Scottish Tribunals—
 - (a) state—
 - (i) how a function is to be exercised,
 - (ii) who is to exercise a function,
 - (b) cause something to require further authorisation,
 - (c) permit something to be done on a person's behalf,
 - (d) allow a specified person to make a decision about any of those matters.
- (3) Tribunal Rules may make provision relying on the effect of directions issued, or to be issued, under section 74.
- (4) Neither Tribunal Rules nor directions under section 74 may make provision altering the operation of section 37(1) or 39(1).
- (5) For the purposes of subsections (1) and (2), the persons are—
 - (a) the Lord President,
 - (b) the President of Tribunals,
 - (c) in the First-tier Tribunal—
 - (i) a Chamber President,
 - (ii) a Deputy Chamber President,
 - (d) a Vice-President of the Upper Tribunal.

Commencement Information

I2 S. 69 in force at 1.4.2015 by [S.S.I. 2015/116](#), art. 2

70 Extent of rule-making

- (1) Tribunal Rules may make—
 - (a) provision applying—
 - (i) equally to both of the First-tier Tribunal and the Upper Tribunal, or
 - (ii) specifically to one of them,
 - (b) particular provision for each of them about the same matter.
- (2) Tribunal Rules may make particular provision for different—
 - (a) chambers or divisions,
 - (b) types of proceedings.
- (3) Tribunal Rules may make different provision for different purposes in any other respects.
- (4) The generality of section 68(1) is not limited by—
 - (a) sections 71 to 73, or
 - (b) any other provisions of this Act about the content of Tribunal Rules.

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(5) As well as Chapter 1, see (for example) sections 28(5), 42(1), 43(3)(b) and 59(2).

Commencement Information

I3 S. 70 in force at 1.4.2015 by S.S.I. 2015/116, art. 2

Particular matters

71 Proceedings and steps

- (1) Tribunal Rules may make provision about proceedings in a case before the Scottish Tribunals.
- (2) Rules making provision as described in subsection (1) may (in particular)—
 - (a) provide for the form and manner in which a case is to be brought,
 - (b) allow for the withdrawal of a case (with or without restrictions on subsequent proceedings as respects the same matter),
 - (c) set time limits for—
 - (i) making applications,
 - (ii) taking particular steps,
 - (d) enable two or more applications to be conjoined in certain circumstances,
 - (e) specify circumstances in which the Tribunals may take particular steps of their own initiative.

Commencement Information

I4 S. 71 in force at 1.4.2015 by S.S.I. 2015/116, art. 2

72 Hearings in cases

- (1) Tribunal Rules may make provision about hearings in a case before the Scottish Tribunals.
- (2) Rules making provision as described in subsection (1) may (in particular)—
 - (a) provide for certain matters to be dealt with—
 - (i) without a hearing,
 - (ii) at a private hearing,
 - (iii) at a public hearing,
 - (b) require notice to be given of a hearing (and for the timing of such notice),
 - (c) specify persons who may—
 - (i) appear on behalf of a party in a case,
 - (ii) attend a hearing in order to provide support to a party or witness in a case,
 - (d) specify circumstances in which particular persons may appear or be represented at a hearing,
 - (e) specify circumstances in which a hearing may go ahead—

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- (i) at the request of a party in a case despite no notice of it having been given to another party in the case,
- (ii) in the absence of a particular member chosen to exercise the function of deciding any matter in a case,
- (f) enable two or more sets of proceedings to be taken concurrently at a hearing in certain circumstances,
- (g) allow for an adjournment of a hearing for the purpose of giving the parties in a case an opportunity to use a process of negotiation, mediation, arbitration or adjudication for resolving a dispute to which the case relates,
- (h) allow for the imposition of reporting restrictions for particular reasons arising in a case.

Commencement Information

I5 [S. 72](#) in force at 1.4.2015 by [S.S.I. 2015/116](#), [art. 2](#)

73 Evidence and decisions

- (1) Tribunal Rules may, in connection with proceedings before the Scottish Tribunals—
 - (a) make provision about the giving of evidence and the administering of oaths,
 - (b) modify the application of any other rules relating to either of those matters so far as they would otherwise apply to such proceedings.
- (2) Tribunal Rules may, in connection with proceedings before the Scottish Tribunals, provide for the payment of expenses and allowances to a person who—
 - (a) gives evidence,
 - (b) produces a document, or
 - (c) attends such proceedings (or is required to do so).
- (3) Tribunal Rules may, in connection with proceedings before the Scottish Tribunals, make provision by way of presumption (for example, as to the serving of something on somebody).
- (4) Tribunal Rules may make provision about decisions of the Scottish Tribunals, including as to—
 - (a) the manner in which such decisions are to be made,
 - (b) the incorporation in such decisions of findings in fact,
 - (c) the recording, issuing and publication of such decisions.

Commencement Information

I6 [S. 73](#) in force at 1.4.2015 by [S.S.I. 2015/116](#), [art. 2](#)

Issuing directions

74 Practice directions

- (1) The President of Tribunals may issue directions as to the practice and procedure to be followed in proceedings at—

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- (a) the First-tier Tribunal,
 - (b) the Upper Tribunal.
- (2) A Chamber President in the First-tier Tribunal may issue directions as to the practice and procedure to be followed in proceedings in the chamber over which the Chamber President presides.
- (3) A Vice-President of the Upper Tribunal may issue directions as to the practice and procedure to be followed in proceedings in the division over which the Vice-President presides.
- (4) Directions under subsection (2) or (3) may not be issued without the approval of the President of Tribunals.

Commencement Information

I7 [S. 74](#) in force at 1.4.2015 by [S.S.I. 2015/116](#), [art. 2](#)

75 Publication and effect

- (1) The President of Tribunals must arrange for directions under section 74(1), (2) or (3) to be published in such manner as the President of Tribunals considers appropriate.
- (2) Directions under section 74(1), (2) or (3) may—
- (a) vary or revoke earlier such directions,
 - (b) make different provision for different purposes (in the same respects as Tribunal Rules).
- (3) If (and to the extent that) any conflict arises between—
- (a) directions issued under section 74(1), and
 - (b) directions issued under section 74(2) or (3),
- those issued under section 74(1) are to prevail.

Commencement Information

I8 [S. 75](#) in force at 1.4.2015 by [S.S.I. 2015/116](#), [art. 2](#)

Status:

Point in time view as at 01/04/2015.

Changes to legislation:

There are currently no known outstanding effects for the Tribunals (Scotland) Act 2014, CHAPTER 2.