



# 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.

#### **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—

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*Status: This is the original version (as it was originally enacted).*

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- (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.

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