



Tribunals (Scotland) Act 2014

2014 asp 10

PART 1

THE SCOTTISH TRIBUNALS

CHAPTER 1

ESTABLISHMENT AND LEADERSHIP

Establishment and headship etc.

1 Establishment of the Tribunals

- (1) There are established two tribunals to be known as—
 - (a) the First-tier Tribunal for Scotland,
 - (b) the Upper Tribunal for Scotland.
- (2) The Tribunals mentioned in subsection (1) are referred to in this Act—
 - (a) respectively as—
 - (i) the First-tier Tribunal,
 - (ii) the Upper Tribunal,
 - (b) collectively as the Scottish Tribunals.
- (3) The constitution, operation and administration of the Scottish Tribunals are as provided for by or under this Act or another Act.
- (4) The jurisdiction, powers and other functions of the Scottish Tribunals are as conferred by or under this Act or another Act.

2 Head of the Tribunals

- (1) The Lord President is the Head of the Scottish Tribunals.
- (2) In that capacity, the Lord President has the functions exercisable by him or her by virtue of this Act.

3 Upholding independence

- (1) The following persons must uphold the independence of the members of the Scottish Tribunals—
 - (a) the First Minister,
 - (b) the Lord Advocate,
 - (c) the Scottish Ministers,
 - (d) members of the Scottish Parliament,
 - (e) all other persons with responsibility for matters relating to—
 - (i) the members of the Scottish Tribunals, or
 - (ii) the administration of justice,where that responsibility is to be discharged only in or as regards Scotland.
- (2) In particular, the First Minister, the Lord Advocate and the Scottish Ministers—
 - (a) must not seek to influence particular decisions of the members of the Scottish Tribunals through any special access to the members, and
 - (b) must have regard to the need for the members to have the support necessary to enable them to carry out their functions.

President of the Tribunals

4 Assignment to office

- (1) There is established the office to be known as that of President of the Scottish Tribunals.
- (2) It is for the Lord President to assign a person to that office.
- (3) An assignment of a person to that office continues for as long as the Lord President considers appropriate.
- (4) The Lord President may nominate a Vice-President of the Upper Tribunal to act temporarily in that office—
 - (a) if a person assigned to that office is for the time being unable to act in it, or
 - (b) pending an assignment of a person to that office.
- (5) A person assigned to that office under subsection (2) or nominated to act in it under subsection (4) must be a judge of the Court of Session (but may not be a temporary judge).

5 Functions of office

- (1) Under the headship of the Lord President, the President of Tribunals is the senior member of the Scottish Tribunals.
- (2) The President of Tribunals has the functions exercisable by him or her by virtue of this Act.
- (3) In this Act, a reference to the President of Tribunals is to the President of the Scottish Tribunals (and a reference to the office of President of Tribunals is to be read accordingly).

CHAPTER 2

OVERARCHING RESPONSIBILITIES

Head of the Tribunals

6 Representation of interests

The Lord President is responsible for—

- (a) representing the views of the membership of the Scottish Tribunals to—
 - (i) the Scottish Ministers, and
 - (ii) the Scottish Parliament,
- (b) laying before the Scottish Parliament written representations on matters that appear to the Lord President to be of importance in relation to the Scottish Tribunals (including as to the administration of justice).

7 Business arrangements

- (1) The Lord President is responsible for making and maintaining appropriate arrangements for securing the efficient disposal of business in the Scottish Tribunals.
- (2) The Lord President is responsible for ensuring that appropriate arrangements are made and maintained as to the welfare of the members of the Scottish Tribunals.

8 Delegation of functions

- (1) The Lord President may delegate to the President of Tribunals the exercise of any of the functions mentioned in subsection (2).
- (2) That is, the functions exercisable by the Lord President by virtue of—
 - (a) section 7(1) or (2),
 - (b) section 33(1) or (2), or
 - (c) section 34(1) or (2).

9 Directions on functions

- (1) The Lord President may give directions to the President of Tribunals as to the exercise of the functions exercisable by the President of Tribunals by virtue of this Act.
- (2) Directions under subsection (1) may—
 - (a) vary or revoke earlier such directions,
 - (b) relate to particular functions or functions generally.

Regulations by Ministers

10 Authority under regulations

- (1) Regulations under section 20(2) or 23(2) may—
 - (a) delegate to the Lord President authority to make arrangements of the kind to which that section relates,

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

- (b) include provision relying on the effect of Tribunal Rules.
- (2) Regulations under section 38(1), 40(1) or 41(1) may—
 - (a) delegate to the President of Tribunals authority to determine the things to which that section relates,
 - (b) include provision relying on the effect of Tribunal Rules.
- (3) Delegation of authority under subsection (1) or (2) is subject to such provision about the exercise or sub-delegation of the authority as may be made in the regulations referred to in that subsection.

11 Consultation on regulations

- (1) Before making regulations under section 20(2) or 23(2), the Scottish Ministers must—
 - (a) obtain the Lord President’s approval,
 - (b) consult such other persons as they consider appropriate.
- (2) Before making regulations under section 38(1), 40(1) or 41(1), the Scottish Ministers must consult the President of Tribunals.

Guiding principle

12 Principle to be observed

- (1) In exercising their regulation-making functions under this Act, the Scottish Ministers must have regard to the principle below.
- (2) In exercising their leadership functions under this Act, the Lord President and the President of Tribunals must have regard to the principle below.
- (3) The principle is the need for proceedings before the Scottish Tribunals—
 - (a) to be accessible and fair, and
 - (b) to be handled quickly and effectively.