



Tribunals (Scotland) Act 2014

2014 asp 10

PART 3

ACQUISITION OF FUNCTIONS

Transfer-in from listed tribunals

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).

Changes to legislation: There are currently no known outstanding effects for the Tribunals (Scotland) Act 2014, Section 28. (See end of Document for details)

- (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.

Commencement Information

II [S. 28](#) 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, Section 28.