
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2020 No.

TRIBUNALS AND INQUIRIES

The First-tier Tribunal for Scotland General Regulatory Chamber Parking and Bus Lane Cases and Upper Tribunal for Scotland (Composition) Regulations 2020

Made - - - - 2020

Coming into force - - 1st April 2020

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 10(2) and (3), 38(1) and (2) and 40(1) to (5) of the Tribunals (Scotland) Act 2014(a) and all other powers enabling them to do so.

In accordance with section 11(2) of that Act, they have consulted the President of the Scottish Tribunals.

In accordance with section 79(2)(c) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1. These Regulations may be cited as the First-tier Tribunal for Scotland General Regulatory Chamber Parking and Bus Lane Cases and Upper Tribunal for Scotland (Composition) Regulations 2020 and come into force on 1 April 2020.

Interpretation

2. In these Regulations—

“bus lane case” means proceedings before the First-tier Tribunal when exercising functions transferred to it by regulation 3 of the First-tier Tribunal for Scotland (Transfer of Functions of Bus Lane Adjudicators) Regulations 2020(b),

“Chamber President” means the Chamber President of the First-tier Tribunal,

“First-tier Tribunal” means the First-tier Tribunal for Scotland General Regulatory Chamber(c), and

(a) 2014 asp 10.

(b) S.S.I. 2020/xxx.

(c) The General Regulatory Chamber of the First-tier Tribunal for Scotland was brought into being by S.S.I. 2016/341.

“parking case” means proceedings before the First-tier Tribunal when exercising functions transferred to it by regulation 3 of the First-tier Tribunal for Scotland (Transfer of Functions of Parking Adjudicators) Regulations 2020(a).

Composition of First-tier Tribunal

3.—(1) The First-tier Tribunal, when convened to decide any matter in a parking case or a bus lane case, must consist only of a legal member.

(2) Whenever practicable, the legal member referred to in paragraph (1) must not have had any involvement in the case prior to the appeal, referral or review of the case.

Composition of Upper Tribunal

4.—(1) The Upper Tribunal, when convened to decide an appeal, review or referral in a parking case or a bus lane case, must consist of—

- (a) a member of the Upper Tribunal acting alone,
- (b) the Chamber President (except a temporary Chamber President), acting alone or with a member of the Upper Tribunal,
- (c) the President of the Scottish Tribunals, acting alone or with the Chamber President or with a member of the Upper Tribunal, or
- (d) the Lord President, acting alone or with the Chamber President or with a member of the Upper Tribunal.

(2) The Chamber President referred to in paragraph (1) must not have had any involvement in the case prior to the appeal, review or referral of the case to the Upper Tribunal.

(3) For the purposes of this regulation, a member of the Upper Tribunal may be a legal member or a judicial member but may not be an ordinary member.

(4) The authority to determine the composition of the Upper Tribunal in respect of the alternative compositions referred to in paragraph (1) is delegated to the President of the Scottish Tribunals, including determining whether a member is to be a legal member or a judicial member.

(5) In this regulation, “judicial member” means a judge of the Court of Session or a sheriff(b).

Name

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
Date

(a) S.S.I. 2020/xxx.

(b) A part-time sheriff is excluded from the definition of sheriff eligible to act as a member of the Upper Tribunal by virtue of section 17(2)(c) of the Tribunals (Scotland) Act 2014 (asp 10).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision as to the composition of the General Regulatory Chamber of the First-tier Tribunal for Scotland when dealing with parking cases and bus lane cases. They also make provision as to the composition of the Upper Tribunal for Scotland when hearing such cases.

The First-tier Tribunal for Scotland and the Upper Tribunal for Scotland are known collectively as the Scottish Tribunals. The Scottish Tribunals were established by the Tribunals (Scotland) Act 2014. The First-tier Tribunal is divided into chambers according to the subject matter of the case, with the General Regulatory Chamber dealing with a range of diverse matters including parking cases and bus lane cases. The Tribunals (Scotland) Act 2014 provides for various membership types, i.e. ordinary members, legal members and judicial members. This instrument sets out which member or members may hear parking cases and bus lane cases before the Scottish Tribunals.

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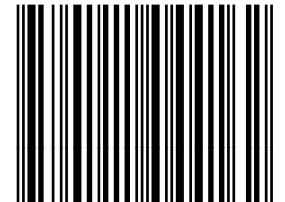
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