
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2023 No.

The Upper Tribunal for Scotland (Transfer of Valuation for Rating Appeal Functions of the Lands Tribunal for Scotland) Regulations 2023

Citation and commencement

1. These Regulations may be cited as the Upper Tribunal for Scotland (Transfer of Valuation for Rating Appeal Functions of the Lands Tribunal for Scotland) Regulations 2023 and come into force on 1 April 2023.

Interpretation

2. In these Regulations—

“the 1949 Act” means the Lands Tribunal Act 1949(1),

“the 2014 Act” means the Tribunals (Scotland) Act 2014,

“the Lands Tribunal” means the Lands Tribunal for Scotland as established by section 1(1) of the 1949 Act,

“the valuation appeal functions of the Lands Tribunal” means the functions exercisable by the Lands Tribunal by virtue of section 1(3A) to (3BA) of the 1949 Act,

“the Upper Tribunal” means the Upper Tribunal for Scotland.

Transfer of the valuation appeal functions of the Lands Tribunal to the Upper Tribunal

3.—(1) The valuation appeal functions of the Lands Tribunal are transferred to the Upper Tribunal.

(2) The functions transferred to the Upper Tribunal under paragraph (1) cease to be exercisable by the Lands Tribunal.

(3) A decision made in the exercise of the functions specified in section 1(3BA) of the 1949 Act falls within section 54 of the 2014 Act and as such is an excluded decision for the purposes of an appeal under section 48 of the 2014 Act.

Transfer of members of the Lands Tribunal to the Upper Tribunal

4.—(1) In respect of the valuation appeal functions only of the Lands Tribunal, those members of the Lands Tribunal appointed in accordance with section 2(2A)(b) of the 1949 Act are transferred to and become members of the Upper Tribunal.

(2) Persons who are transferred under paragraph (1) do not, as a consequence of that transfer, cease to be members of the Lands Tribunal in respect of the remaining functions of that tribunal.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: *The Upper Tribunal for Scotland (Transfer of Valuation for Rating Appeal Functions of the Lands Tribunal for Scotland) Regulations 2023 No. 48*

(3) Persons transferred to the Upper Tribunal under paragraph (1) are (subject to the provisions of the 2014 Act) to be members of the Upper Tribunal in accordance with terms and conditions offered by the Scottish Ministers immediately before transfer.

(4) The terms and conditions mentioned in paragraph (3) supersede any terms and conditions of appointment to the Lands Tribunal that exist immediately before the transfer and that relate to the functions transferred by regulation 3.

Transitional and saving provisions

5. Schedule 1 which contains transitional and saving provisions has effect.

Consequential amendments and revocations

6. Schedule 2 which contains consequential amendments has effect.

St Andrew's House,
Edinburgh
Date

Name
Authorised to sign by the Scottish Ministers