

## POLICY NOTE

### THE FIRST-TIER TRIBUNAL FOR SCOTLAND (ALLOCATION OF FUNCTIONS TO THE GENERAL REGULATORY CHAMBER) REGULATIONS 2023

#### SSI 2023/XXX

1. The above instrument will, if approved by the Parliament, be made in exercise of the powers conferred by sections 20(2) and 79(1) of the Tribunals (Scotland) Act 2014. The instrument is subject to affirmative procedure
2. In accordance with section 11(1)(a) and (b) of the 2014 Act, the approval of this instrument by the Lord President of the Court of Session has been obtained and other persons have been consulted as considered appropriate.

#### **Purpose of the Instrument:**

The purpose of the instrument is to provide for the allocation of certain functions to the First-tier Tribunal for Scotland, General Regulatory Chamber. These functions relate to Low Emission Zone (LEZ) schemes; Workplace Parking Licensing schemes; and, pavement parking, double parking, and, dropped footway parking prohibitions as contained in the Transport (Scotland) Act 2019.

#### **Policy Objectives**

3. The First-tier Tribunal for Scotland was established by the Tribunals (Scotland) Act 2014 (“the 2014 Act”).
4. The First-tier Tribunal for Scotland is divided into chambers according to the subject matter of the Tribunal’s functions. The 2014 Act allows Scottish Ministers to allocate functions to chambers of the Scottish Tribunals.
5. The Transport (Scotland) Act 2019 (“the 2019 Act”) provides legislation enabling the creation and civil enforcement of: Low Emission Zone (LEZ) schemes; Workplace Parking Licensing schemes; and dropped footway parking, double parking and pavement parking prohibitions.
6. The General Regulatory Chamber currently deals with appeals against parking and bus lane contraventions. These Regulations amend the current functions of the General Regulatory Chamber to include appeals, referrals or reviews relating to Low Emission Zone (LEZ) schemes, workplace parking licensing schemes, and dropped footway parking, double parking, pavement parking prohibitions.

7. To provide for these routes of appeal, two statutory instruments are being promoted. This one, allocating these new functions to the General Regulatory Chamber together with the First-tier Tribunal for Scotland General Regulatory Chamber and Upper Tribunal for Scotland (Composition and Rules of Procedures) (Miscellaneous Amendment) Regulations 2023 which amend the existing rules of procedure accordingly.

8. Further details of the policy objectives relating to the 2014 Act are set out in the Policy Memorandum which accompanied the Tribunals Scotland Bill. The link below shows the passage of the Bill through Parliament and includes the Policy Memorandum:

<http://www.scottish.parliament.uk/parliamentarybusiness/Bills/62938.aspx>

### **Consultation**

9. A consultation with interested parties took place in 2022. There were no concerns raised in relation to the proposals regarding the First-tier Tribunal or Upper Tribunal.

10. A full list of those consulted and who agreed to the release of their consultation responses are available on the Scottish Government website:

<https://consult.gov.scot/justice/allocating-new-transport-appeals-to-grc/>

### **Impact Assessments and Financial Effects**

11. An Equality Impact Assessment has already been completed for the Tribunals (Scotland) Bill – see link below:

<https://www.webarchive.org.uk/wayback/archive/20160107191137/http://www.gov.scot/Publications/2013/05/9299>

12. An Equality Impact Assessment is not required for these regulations.

13. A Business and Regulatory Impact Assessment has been completed and is attached. The impact of this policy on the Scottish Legal Aid Board is minimal. The impact on the Scottish Government is minimal.

**Scottish Government  
Justice Directorate  
March 2023**