

POLICY NOTE

THE FIRST-TIER TRIBUNAL FOR SCOTLAND GENERAL REGULATORY CHAMBER AND UPPER TRIBUNAL FOR SCOTLAND (COMPOSITION AND RULES OF PROCEDURE) (MISCELLANEOUS AMENDMENT) 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 10(2) and (3), 38(1) and (2), 40(1) to (5) and paragraph 4(2) of schedule 9 of the Tribunals (Scotland) Act 2014 ('the 2014 Act'). The instrument is subject to affirmative procedure
2. In accordance with section 11(2) and paragraph 4(3) schedule 9 of that Act, the President of the Scottish Tribunals and other persons as considered appropriate have been consulted.

Purpose of the Instrument:

The purpose of the instrument is to amend the composition of the First-tier Tribunal General Regulatory Chamber and the Upper Tribunal when hearing appeals and amend the procedure of the General Regulatory Chamber to include: appeals in relation to Low Emission Zone (LEZ) schemes; Workplace Parking Licensing schemes; and, Dropped footway parking, double parking and pavement parking prohibitions as contained in the Transport (Scotland) Act 2019.

Policy Objectives

3. The 2014 Act allows Scottish Ministers to determine the composition of the First-tier Tribunal for Scotland or the Upper Tribunal for Scotland when convened to decide any matter in a case before it.
4. The First-tier Tribunal for Scotland and the Upper Tribunal for Scotland were established by the 2014 Act. The First-tier Tribunal is divided into chambers according to the subject matter of the Tribunal's functions, with the General Regulatory Chamber dealing with appeals against parking and bus lane contraventions.
5. These Regulations amend the First-tier Tribunal for Scotland General Regulatory Chamber Parking and Bus Lane Appeals (Rules of Procedure) Regulations 2020 and the First-tier for Scotland General Regulatory Chamber Parking and Bus Lane Cases and Upper Tribunal for Scotland (Composition) Regulations 2020 (SSI 2020/97) to enable the General Regulatory Chamber to hear appeals against decisions of a local authority to issue penalty charge notices relating to low emission zone schemes, double parking prohibitions, dropped footway parking

prohibitions, pavement parking prohibitions and workplace parking licensing schemes.

6. 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>

7. The Transport (Scotland) Act 2019 provides legislation enabling the creation and civil enforcement of: Low Emission Zone Schemes; Workplace licensing schemes; and dropped footway parking, double parking and pavement parking prohibitions.

Consultation

8. A consultation with interested parties took place in 2022. There were no concerns raised in relation to the proposed composition of the First-tier Tribunal or Upper Tribunal.

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

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

Impact Assessments and Financial Effects

10. 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>

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

12. 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