

## **POLICY NOTE**

### **THE TRIBUNALS (SCOTLAND) ACT 2014 (COMMENCEMENT No. 2) ORDER 2015**

#### **SSI 2015/116 (C. 25)**

1. The above instrument is made in exercise of the powers conferred by section 83(2) of the Tribunals (Scotland) Act 2014 and is not subject to any parliamentary procedure.

#### **Policy Objectives**

2. This Order brings provisions of the Tribunals (Scotland) Act 2014 (“the 2014 Act”) into force.

3. The policy objectives relating to the 2014 Act are fully described in the Policy Memorandum which accompanied the 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>

4. The first commencement order (2014 No. 183 (C. 15)) has already been laid in relation to the 2014 Act, bringing into force those provisions relating to the President of the Scottish Tribunals assignment to office (Section 4(1)-(3) and in part (5) for the limited purposes of assigning a person to the office of the President of the Scottish Tribunals).

5. This order will commence all remaining provisions of the 2014 Act (including commencing section 4(5) for all purposes) with the exception of the following:

#### **Section 77 – Administrative Support**

Paragraph 8 of Schedule 4 to the Courts Reform (Scotland) Act 2014 repeals section 77 of the 2014 Act and makes separate provision to allow administrative support services to be provided by the Scottish Courts and Tribunals Service (see section 130 of the Court Reform Act). Section 130 of the Courts Reform Act will also be commenced on 1 April to bring the Scottish Courts and Tribunal Service (SCTS) into being and to require SCTS to provide administrative support to the Scottish Tribunals, there is therefore no need to commence Section 77 of the 2014 Act.

#### **Schedule 9, paragraph 13 (introduced by section 81) – Scottish Civil Justice Council and Criminal Legal Assistance Act 2013**

These provisions relate to the making of tribunal rules. In due course the Civil Justice Council will be responsible for drafting rules. However, the Lord President made it clear in his evidence to the Justice Committee during the passage of the Tribunals Bill that he did not wish the Civil Justice Council to take on the power to write or amend rules for tribunals until they had completed their work on court reform.

6. There is transitional provision in para 4 of schedule 9 to the 2014 Act to allow the Scottish Ministers to write tribunal procedural rules until such time as the Scottish Civil Justice Council are ready to take on this work. The Lord President indicated in his evidence this would not be before 2017/18 at the earliest. We therefore intend to commence Schedule 9, para 13, at a later date.

### **Impact Assessments**

7. An equality impact assessment has already been completed on the Tribunals (Scotland) Bill – see link below.

<http://www.scotland.gov.uk/Resource/0042/00421637.pdf>

A Business and Regulatory Impact Assessment is not required.

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