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SCOTTISH STATUTORY INSTRUMENTS

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**2018 No. 4**

**The First-tier Tribunal for Scotland (Transfer of Functions of the Additional Support Needs Tribunals for Scotland) Regulations 2018**

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the First-tier Tribunal for Scotland (Transfer of Functions of the Additional Support Needs Tribunals for Scotland) Regulations 2018 and come into force on 12th January 2018.

(2) In these Regulations—

“the 2004 Act” means the Education (Additional Support for Learning) (Scotland) Act 2004(1);

“the 2010 Act” means the Equality Act 2010(2);

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

“Additional Support Needs Tribunals for Scotland” means tribunals constituted under section 17(1) of the 2004 Act;

“convener” means a member of a panel appointed under paragraph 3(1)(a) of schedule 1 of the 2004 Act;

“functions of the Additional Support Needs Tribunals for Scotland” means the functions exercised by the Additional Support Needs Tribunals for Scotland by virtue of section 17(1A) of the 2004 Act;

“other member” means a member of a panel appointed under paragraph 3(1)(b) of schedule 1 of the 2004 Act; and

“President” means the individual appointed under section 17(2) of the 2004 Act to be President of the Additional Support Needs Tribunals for Scotland.

**Transfer of functions of the Additional Support Needs Tribunals for Scotland to the First-tier Tribunal and abolition of the Additional Support Needs Tribunals for Scotland**

2.—(1) The functions of the Additional Support Needs Tribunals for Scotland are transferred to the First-tier Tribunal with allocation to the Health and Education Chamber.

(2) The Additional Support Needs Tribunals for Scotland are abolished.

**Transfer of members of the Additional Support Needs Tribunals for Scotland to the First-tier Tribunal**

3.—(1) Subject to paragraphs (2) and (3), the conveners, other members and President of the Additional Support Needs Tribunals for Scotland on the coming into force of these Regulations are transferred to and become members of the First-tier Tribunal, with—

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(1) 2004 asp 4.

(2) 2010 c.15.

- (a) the President becoming Chamber President of the First-tier Tribunal Health and Education Chamber;
- (b) conveners becoming legal members of the First-tier Tribunal; and
- (c) other members becoming ordinary members of the First-tier Tribunal.

(2) The persons transferred to the First-tier Tribunal under paragraph (1) are (subject to the provisions of the 2014 Act) to be members of the First-tier Tribunal in accordance with terms and conditions to be offered by the Scottish Ministers immediately before transfer, which are to supersede any existing terms and conditions of appointment.

(3) Paragraph (1) does not apply to any member of the Additional Support Needs Tribunals for Scotland if the member has already been transferred to and is a member of the First-tier Tribunal by virtue of regulations made under section 28(2) of the 2014 Act which were in force prior to these Regulations coming into force.

#### **Transitional and savings provisions**

- 4. Schedule 1 of these Regulations contains transitional and savings provisions.

#### **Consequential amendments, repeals and revocations**

- 5. Schedule 2 of these Regulations contains consequential provisions.

#### **Revocations**

- 6. Schedule 3 of these Regulations contains revocations.

St Andrew's House,  
Edinburgh  
9th January 2018

*ANNABELLE EWING*  
Authorised to sign by the Scottish Ministers