
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend two sets of Regulations that provide for the handling of appeals by the Social Security Chamber of the First-tier Tribunal for Scotland.

Regulation 2 extends the period for which the assignment, to the Social Security Chamber, of a president who is also the president of another chamber of the First-tier Tribunal for Scotland, is permitted. This will be competent until 1 April 2021.

Regulation 3 amends the rules of procedure of the Social Security Chamber.

Regulation 3(2) clarifies that, where a case has been dismissed as a result of a failure to comply with an order, reinstatement may only be sought where there is good reason for the failure.

Regulation 3(3) removes the requirement for an appellant to give views on whether an oral hearing should be held, at the time of submitting a notice of appeal against a substantive determination of entitlement. The same approach is taken in relation to appeals against process decisions (see regulation 3(4)). Regulation 3(3) makes clear, also, that where an individual is in receipt of assistance on the basis of an application made under the Social Security (Scotland) Act 2018, a copy of the application must always be sent to the First-tier Tribunal along with any notice of appeal.

Regulation 3(5) removes the option for a decision of the Social Security Chamber to be published. Regulation 3(6) makes a consequential change in light of that.

Regulation 3(7) provides that it is the legal member who is usually to undertake a review of a decision (rather than this being a free choice as between the legal member or an ordinary member).

Regulation 3(8) amends the duty to treat a request for a review as also being an application for permission to appeal. It provides that the duty applies to review requests by the decision-maker, in addition to review requests by the person who is seeking assistance.