
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2019 No.

TRIBUNALS AND INQUIRIES

The First-tier Tribunal for Scotland General Regulatory Chamber Parking and Bus Lane Cases and Upper Tribunal for Scotland (Composition) Regulations 2019

Made - - - -

Coming into force - -

1st April 2019

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 38(1) and 40(1) of the Tribunals (Scotland) Act 2014(a) and all other powers enabling them to do so.

In accordance with section 11(2) of that Act, they have consulted the President of Tribunals.

In accordance with section 79(2)(c) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the First-tier Tribunal for Scotland General Regulatory Chamber Parking and Bus Lane Cases and Upper Tribunal for Scotland (Composition) Regulations 2019 and come into force on 1st April 2019.

(2) In these Regulations—

“Chamber President” means the Chamber President of the First-tier Tribunal;

“First-tier Tribunal” means the First-tier Tribunal for Scotland General Regulatory Chamber; and

“Parking and Bus Lane cases” means proceedings before the First-tier Tribunal for Scotland General Regulatory Chamber when exercising functions allocated to it by regulation X of the First-tier Tribunal for Scotland (Transfer of Functions of Parking and Bus Lane Adjudicators) Regulations 2019.

Composition of First-tier Tribunal

2. The First-tier Tribunal, when convened to decide any matter in a Parking or Bus Lanes case, must consist of a legal member.

(a) 2014 asp 10.

Composition of Upper Tribunal hearing appeals or referrals from First-tier Tribunal

3.—(1) The Upper Tribunal, when deciding an appeal or a referral in a Parking and Bus Lane case decided by or referred from the First-tier Tribunal to the Upper Tribunal, must consist of—

- (a) a legal or judicial member of the Upper Tribunal; or
- (b) the Chamber President (except a temporary Chamber President), acting either alone or with a legal or judicial member of the Upper Tribunal; or
- (c) the President of Tribunals, acting either alone or with the Chamber President or a legal member or another judicial member of the Upper Tribunal; or
- (d) the Lord President, acting either alone or with the Chamber President or a legal member or another judicial member of the Upper Tribunal.

(2) The Chamber President referred to in paragraph (1) must not have had any involvement in the case prior to the appeal or referral of the case to the Upper Tribunal.

(3) In this regulation “judicial member of the Upper Tribunal” means a judge of the Court of Session.

Name

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
Date

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations make provision as to the composition of the First-tier Tribunal for Scotland when dealing with parking and bus lane cases in the General Regulatory Chamber. They also make provision as to the composition of the Upper Tribunal for Scotland when hearing appeals or referrals from the First-tier Tribunal for Scotland General Regulatory Chamber about such cases.

These two Tribunals were established by the Tribunals (Scotland) Act 2014. The First-tier Tribunal is divided into chambers according to the subject matter of the case, with the General Regulatory Chamber dealing with appeals against Bus Lane Enforcement Charge Notices, parking contraventions and removal of vehicles matters. This instrument sets out which member or members of the tribunals may hear cases in the two tribunals.