

TRIBUNALS (SCOTLAND) BILL

POLICY MEMORANDUM

INTRODUCTION

1. This document relates to the Tribunals (Scotland) Bill introduced in the Scottish Parliament on 8 May 2013. It has been prepared by the Scottish Government to satisfy Rule 9.3.3 of the Parliament's Standing Orders. The contents are entirely the responsibility of the Scottish Government and have not been endorsed by the Parliament. Explanatory Notes and other accompanying documents are published separately as SP Bill 30–EN.

POLICY OBJECTIVES OF THE BILL

2. The main policy objective of this Bill is to create a new structure for devolved tribunals in Scotland. Over the years, these tribunals have been established in an ad hoc fashion, with no common system of leadership, appointments, practice and procedure or reviews and appeals (see Diagram 1).

3. The system described above can lead to a narrowness of outlook and it allows for a variation of standards and performances across the tribunals landscape. This Bill seeks to address these issues by creating a structure that will reduce overlap, eliminate duplication, ensure better deployment and allow for the wider sharing of available resources. The new structure will also provide users with the reassurance that tribunal hearings are being heard by people with no links to the body whose decision they are challenging by providing for greater independence for the new tribunals. By establishing a more coherent framework for tribunals opportunities will be created for improvement in the quality of services that cannot be achieved by tribunals operating separately.

4. The creation of a new tribunal structure is supported by advice prepared by independent expert reports addressing the tribunals and administrative justice systems in Scotland including the Franks Report (1957)¹, the Leggatt Report (2001)² and the Philip Reports (2008³ and 2009⁴).

¹ Sir Oliver Franks, *Report of the Committee on Tribunals and Inquiries* (1957)

² Sir Andrew Leggatt, *Tribunals for Users – One System, One Service* (2001):

<http://webarchive.nationalarchives.gov.uk/+http://www.tribunals-review.org.uk/leggatthtm/leg-00.htm>

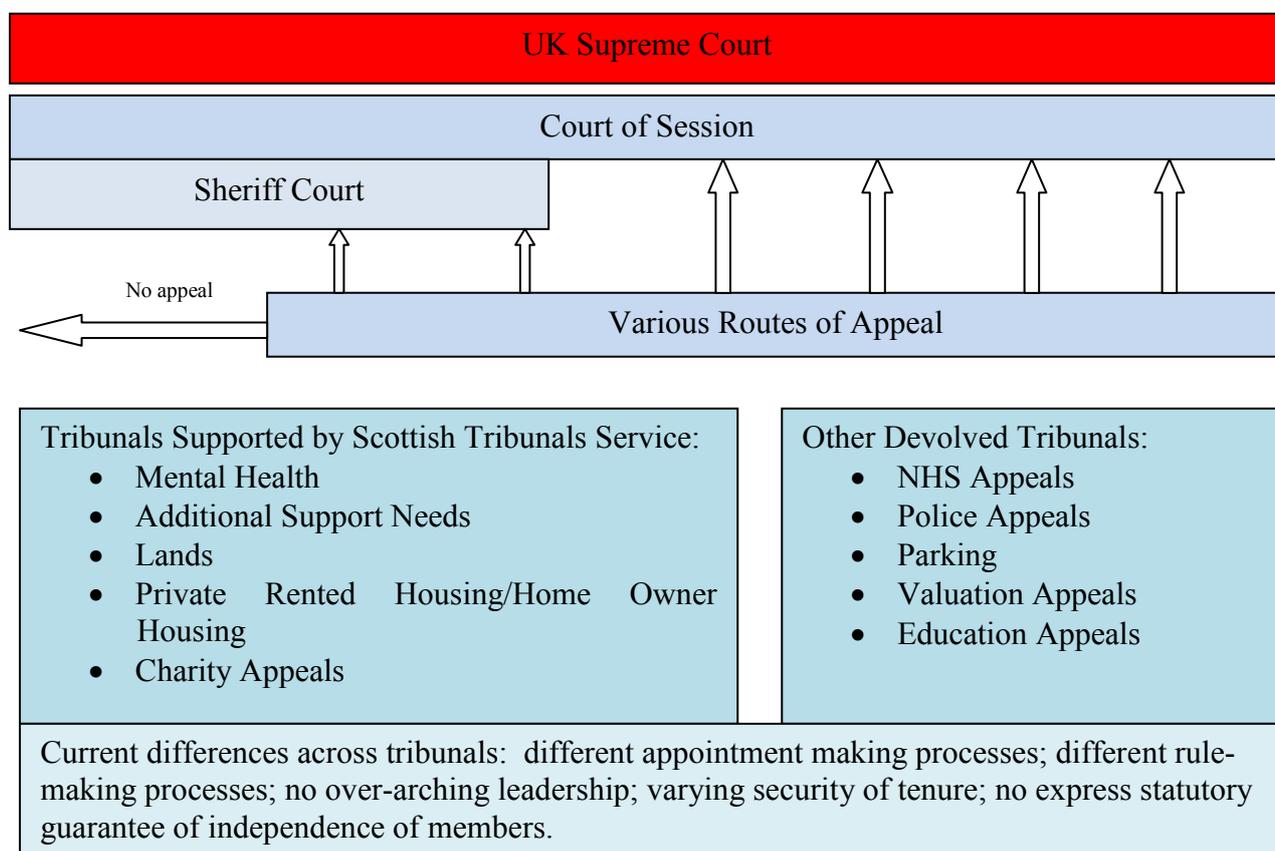
³ Administrative Justice Steering Group (AJSG), *Options for the Future Administration and Supervision of Tribunals in Scotland* (Scottish Consumer Council, September 2008)

⁴ Administrative Justice Steering Group (AJSG), *Administrative Justice in Scotland – The Way Forward: The final report of the Administrative Justice Steering Group*, (Consumer Focus Scotland, 2009)

5. Of particular note is the report by Lord Philip published in September 2008, *‘Options for the Future Administration and Supervision of Tribunals in Scotland’*. The key findings from the report were that:

- the present tribunal system in Scotland is “extremely complex and fragmented”;
- many tribunals are not sufficiently independent of the Scottish Government;
- there is no consistent system of appointment of tribunal chairs and members; and
- all of Scotland’s tribunals work in isolation, leading to duplication of effort, a variation of standards and performance, and a lack of good value for the taxpayer.

Diagram 1: The following diagram is illustrative and not comprehensive. It represents a sample of the varied and diverse tribunals in Scotland and demonstrates the differing processes, different bodies involved and a lack of a coherent structure which currently exists.



6. The Bill establishes a coherent structure within which to bring the functions and members of the devolved tribunals, which will be supported by strong leadership from the Lord President. Backed by the expert reports mentioned above, reform is long overdue, is logical, sensible, and the right thing to do. The Bill sets out a framework for the new structure.

OVERVIEW

7. The Bill will create a simple two-tier structure - a First-tier Tribunal for first instance decisions (into which most tribunal jurisdictions will be transferred) and an Upper Tribunal

(where the primary function will be to dispose of appeals from the First-tier⁵) - under the leadership of the Lord President of the Court of Session. The First-tier Tribunal and Upper Tribunal are collectively referred to as the Scottish Tribunals.

8. The Bill contains a list of devolved tribunals in schedule 1 (which are known as “listed tribunals”) from which the functions and members may be transferred-in to the new structure. The listed tribunals which the Scottish Government anticipates will be among the first to have their functions transferred are: the Additional Support Needs Tribunals for Scotland; the Mental Health Tribunal for Scotland; the Private Rented Housing Panel/Home Owner Housing Panel; the Lands Tribunal for Scotland; and the Scottish Charity Appeals Panel. The functions of each listed tribunal will transfer in separately in a phased programme over the next few years. It is expected the first of these tribunals will have had its functions transferred-in by the end of 2015. The remaining listed tribunals would follow thereafter.

9. The Bill allows the list of tribunals set out in schedule 1 to be added to, or modified by, regulations. Over time, the new structure will be capable of acquiring the functions of new or other jurisdictions which are not currently listed.

10. The functions and members of a listed tribunal will transfer-in to the new structure by regulations. These regulations will also be able to modify the functions of the listed tribunal which are set out in an enactment so as to ensure that they are exercisable by the new Scottish Tribunals rather than the listed tribunal.

11. The Scottish tribunals will be composed of members who are either transferred-in or appointed. Existing members of the listed tribunals will transfer-in at the same time as the functions of their tribunal are transferred, along with their current caseloads. There will be a necessity to write some new procedural rules to allow the Scottish tribunals to operate effectively. Existing procedural rules of a listed tribunal will continue to apply after the transfer-in of functions (although they will require some modification to account for the new structure and appeal routes). The Scottish Tribunals can also draw on the resources of the court judiciary as the Bill enables certain members of the court judiciary to act as tribunal members.

12. The Bill requires the First-tier Tribunal to be organised into chambers and the Upper Tribunal to be organised into divisions. The functions and members of the Scottish Tribunals will be assigned among the chambers/divisions.

TRIBUNALS PERSONNEL

Head of the Scottish Tribunals

13. The Bill designates the Lord President of the Court of Session as the Head of the Scottish Tribunals. This is a significant change in the leadership structure for devolved tribunals. Strong judicial leadership will be provided across both the First-tier and the Upper Tribunals to ensure that:

⁵ The Upper Tribunal is also able to hear cases in the first instance and it is intended to transfer the devolved functions of the Lands Tribunal for Scotland to the Upper Tribunal rather than the First-tier Tribunal – see para 46.

- there is cohesion and continuity of purpose across both tiers;
- the new tribunal structure has a strong identity within the justice system as a whole;
- the efficient disposal of business is maintained; and
- the views of tribunal members are represented and their welfare respected.

14. In providing leadership, the Lord President will be able to ensure, amongst other things, that specialism, ethos and desirable distinctiveness are retained, in addition to supporting coherence across the new structure where this is required. The Lord President also has direct responsibility for representing the views of the members of the Scottish Tribunals to the Scottish Parliament (including as to the administration of justice) and the Scottish Ministers, as well as producing rules on conduct and discipline of tribunal members. These functions cannot be delegated.

15. The Lord President is also responsible for making and maintaining appropriate arrangements for securing the efficient disposal of business in the Scottish Tribunals and ensuring the welfare of its members. These functions may, however, be delegated to the President of the Scottish Tribunals.

16. The Bill also confers other responsibilities on the Lord President. These are in relation to training, guidance and professional development of members of the Scottish Tribunals. The Lord President also has responsibility for assigning and deploying the members among chambers within the First-tier Tribunal and among divisions in the Upper Tribunal and has a duty to produce guidance outlining the procedure for those arrangements. This provision will reassure stakeholders as to how tribunal members will be deployed, for example in the new structure a sheriff can sit in the First-tier Tribunal when authorised to do so. This would allow the Mental Health Tribunal for Scotland, which currently has a duty to use a sheriff as a convenor in specific hearings, to be able to continue to do so in the new structure (see paragraph 20).

President of the Scottish Tribunals

17. The Bill creates a new office – the President of the Scottish Tribunals (referred to in the Bill and hereafter as the ‘President of Tribunals’). It is anticipated that the Lord President will delegate the responsibility for the efficient disposal of business of the Scottish Tribunals to the President of Tribunals. The Lord President is to assign the President of Tribunals from among the Senators of the College of Justice. This will give the office the appropriate status both in relation to delegation from the Lord President and in relation to dealings with members of the court judiciary, including on matters of guidance and conduct. It will also bring to the tribunal leadership a wide range of judicial skills and experience.

18. The Bill will allow the Lord President to delegate the functions outlined at paragraphs 14 and 15 above to the President of Tribunals.

Members of the First-tier Tribunal

19. The Bill provides for both legal and ordinary members of the First-tier Tribunal. The legal members (those considered to be legally qualified) will consist of Chamber Presidents, Deputy Chamber Presidents and those other persons appointed, or transferred-in from a listed tribunal, as

legal members. The legal membership will ensure that the First-tier Tribunal has an array of legal expertise at its disposal. Each chamber within the new structure will have a Chamber President (or for job-sharing purposes and to increase diversity, two Chamber Presidents) who will be responsible for arrangements of business within that chamber. Chamber Presidents may also be assisted by Deputy Chamber Presidents. The Chamber Presidents and Deputy Chamber Presidents will be expected to have expertise in the jurisdictions over which they will preside.

20. The ordinary members (those not considered to be legally qualified) will consist of those persons appointed, or transferred-in from a listed tribunal as ordinary members. The ordinary membership will likely consist of persons with professional qualifications in a number of areas for which the First-tier Tribunal requires specialist expertise – for example, doctors, psychologists, teachers and surveyors as well as lay members with the appropriate knowledge and expertise. The ordinary membership will ensure that the First-tier Tribunal has an array of non-legal expertise at its disposal which can be assigned to hear cases where a particular expertise is necessary or expedient.

21. The Bill allows for members of the court judiciary to be assigned to the First-tier Tribunal. The members of the court judiciary who are able to act as members of the First-tier Tribunal are limited to sheriffs principal, sheriffs and part-time sheriffs. No judge of the Court of Session may act as a member of the First-tier Tribunal. This will allow the First-tier Tribunal to have access to the court judiciary when it is exercising decision-making functions for which it would be appropriate to use them rather than just the legal and ordinary members. Certain functions of the Mental Health Tribunal for Scotland already utilise sheriffs (see, for example paragraph 2 of schedule 2 to the Mental Health (Care and Treatment) Act 2003). The Bill will allow this arrangement to continue when the functions of the Mental Health Tribunal for Scotland are transferred-in to the Scottish Tribunals.

22. The Bill prevents a member of the court judiciary from being appointed as a Chamber President or a Deputy Chamber President. Coupled with the exclusion of judges of the Court of Session, the Scottish Government has adopted this approach to protect the distinct ethos of the listed tribunals and prevent them from becoming too court-like (while still allowing them to benefit from the expertise and experience of sheriffs). Sheriffs are, however, permitted to act as Temporary Chamber Presidents in order to fill a temporary vacancy.

23. The different leadership roles of office holders in the First-tier Tribunal (Lord President, President of Tribunals and Chamber Presidents) will provide an important mechanism to safeguard the particular and distinctive ethos of individual jurisdictions which are transferred-in to the First-tier Tribunal. At the same time we would expect the leadership to work together across jurisdictions to bring coherence to the structure where this will benefit the delivery of a high quality service to users.

24. When sitting in tribunals all members, whether ordinary or legal, have the same status and capacity as the judiciary, as they are all making judicial decisions.

Upper Tribunal members

25. The Bill provides for both legal and ordinary members of the Upper Tribunal. The legal members (those considered to be legally qualified) will consist of Vice-Presidents (where the

Vice-Presidents are appointed or transferred-in from a listed tribunal) and those other persons appointed, or transferred-in from a listed tribunal, as legal members. Chamber Presidents of the First-tier Tribunal will also, by virtue of holding that position, be legal members of the Upper Tribunal. The legal membership will ensure that the Upper Tribunal has an array of legal expertise at its disposal which can be assigned to hear cases within its jurisdiction, whether these are appeals or first-instance cases. Each division within the Upper Tribunal will have a Vice-President who will be responsible for arrangements of business within that division.

26. The Upper Tribunal will also be able to appoint or transfer-in ordinary members. It is not anticipated that the ordinary membership will have a role in any appellate functions of the Upper Tribunal but ordinary members may be required where the Upper Tribunal is to exercise first-instance functions.

27. The Bill allows for members of the court judiciary to be assigned to the Upper Tribunal. The members of the court judiciary who are able to act as members of the Upper Tribunal are judges of the Court of Session, sheriffs principal and sheriffs (but not part-time sheriffs). This will allow the Upper Tribunal to have access to the appropriate level of judicial expertise when it is exercising appellate or review functions. Members of the court judiciary (including the President of Tribunals) may also be assigned to hold the position of Vice-President. Again, this will ensure appropriate leadership in the Upper Tribunal and given the appellate functions of the Upper Tribunal, the Scottish Government considers that it is appropriate to draw on the expertise of Scotland's most senior judges.

28. The Bill also makes provision for the Scottish Ministers to authorise retired court judges and members of the tribunal judiciary from other jurisdictions in the UK, to assist in the disposal of business in the Upper Tribunal for Scotland. For example, this would allow certain members, who are currently hearing cases in the UK Upper Tribunal (established by section 3(2) of the Tribunals, Courts and Enforcement Act 2007), to sit and hear appeals in the Upper Tribunal for Scotland. This will enable the Upper Tribunal to have access to the expertise and knowledge of retired court judges and members with a broad experience of hearing appeals of tribunal decisions. It is intended that these authorised members would only be used where there is a need for a particular expertise which is not readily available from the existing membership of the Upper Tribunal for Scotland. It is envisaged that this may be necessary for particularly complex cases or on matters that may be in the process of being devolved or are considered for devolution in the future.

29. It is not expected that there will be a large volume of business in the Upper Tribunal, at least in the initial years (see Table 1: Tribunal Caseloads). The structure is designed to accommodate growth in the future. For example, if some reserved tribunals were to be devolved or new jurisdictions were created.

Table 1: Tribunal Caseloads

Tribunal	Number of cases 2011-2012	Number of appeals 2011-2012	Number of cases withdrawn 2011-2012
Additional Support Needs Tribunals for Scotland (ASNTS)	76	0	46
Scottish Charity Appeals Panel	0	0	0
Crofting Commission	8	0	2
Education Appeal Committees ¹	937	0	422
Private Rented Housing Panel/Homeowner Housing Panel	304	4	74
Lands Tribunal for Scotland	247	1	135
Mental Health Tribunal for Scotland	3506	26	691
NHS National Appeal Panel (NAP) ²	21	—	16
NHS Tribunal	0	2 ³	0
Scottish Parking Appeals Service	1879	—	718
Police Appeals Tribunals ⁴	6	0	0
Valuation Appeal Panels	50,726	192	40,903

Source: The Scottish Committee of the Administrative Justice and Tribunals Council's Annual Report 2011-12 except ASNTS and NAP where the information was sourced directly from the tribunal.

¹ excludes data for 7 councils which did not reply to SCAJTC request for information.

² five cases were heard, 16 were dismissed by the NAP Chair Panel.

³ relates to 2 cases that were decided by the tribunal in the previous year.

⁴ excludes two police force areas who did not respond to the SCAJTC's request for information.

Judicial Remuneration

30. It is the intention to transfer-in current tribunal members on their existing terms and conditions in a phased programme which will take time to progress. However, the Scottish Government has committed to commission an independent evaluation of the offices of the tribunal members within the new structure once it has been established and bedded in. It is appropriate that the evaluation is held after a period of time to allow workloads and new roles to be properly established, considered and assessed. To begin with the new structure should not impact on current caseloads. It is only when a multi-jurisdictional chamber is created that this should change. It is acknowledged, however, that the office of Chamber President is likely to be most affected, although not initially, by this change and by their new role in the Scottish Tribunals leadership structure.

Appointments process

31. Currently, the majority of appointments to tribunals are made by the Scottish Ministers. They are carried out following the Code of Practice for Ministerial Appointments to Public Bodies published by the Public Appointments Commissioner, although the code does not strictly apply to tribunal appointments because they are not listed for the purposes of the Public Appointments and Public Bodies etc. (Scotland) Act 2003.

32. The appointments are made based on the criteria specified in the founding legislation for the individual tribunals which vary from tribunal to tribunal.

33. The Bill introduces a common system of appointments for the Scottish Tribunals which will continue to ensure that members have security of tenure and independence from the executive. The independence of the tribunal members is expressly guaranteed by the Bill. While the power to make an appointment lies with the Scottish Ministers, the Judicial Appointments Board for Scotland (JABS) established by the Judiciary and Courts (Scotland) Act 2008 will be responsible for recommending persons for appointment. This brings the appointment of tribunal members more in line with the process for appointing members of the court judiciary.

34. The Bill sets out the eligibility criteria for appointment as a legal member of the Scottish Tribunals. A person will be eligible for appointment as a legal member of the First-tier Tribunal (other than as a Chamber President) if the person has been a practising solicitor or advocate for five years. There is the ability for the Scottish Ministers to set out further eligibility criteria in regulations. This may be around suitability attributable to experience in law through engagement in certain activities such as practice and employment as a lawyer or teaching or researching law at or for an educational institution. This will enable the appointment of persons beyond those who are currently practising as solicitors and advocates while ensuring that a legal member's suitability for exercising the functions of a tribunal are not diminished. It is designed to increase diversity amongst the membership and increase the pool of people eligible to apply. Legal members of the Upper Tribunal (including the Chamber Presidents in the First-tier Tribunal) require to have seven years' experience of practising law (or equivalent experience). Again, this is to reflect the hierarchical position of the Upper Tribunal and the likely difference in functions it will be exercising.

35. Members will be appointed for a term of 5 years and will be eligible for re-appointment at the end of each term up until reaching the age of 70. The Scottish Ministers will be bound to re-appoint a member unless the person does not wish to be re-appointed, is no longer eligible for appointment or the President of Tribunals has recommended to them that the person should not be re-appointed. The scope for the President of Tribunals to make such a recommendation is limited in accordance with the provisions of the Bill. This is designed to ensure continuity in the membership of the Scottish Tribunals and security of tenure for the members. Upon reaching the age of 70, legal and ordinary members will only be eligible to remain in office by virtue of section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993. This allows members to continue in office on an annual rolling basis up until reaching the age of 75 if the Scottish Ministers, following consultation with the President of Tribunals, consider it is in the public interest.

36. The new appointment process will ensure, as it does now, that tribunal members are selected with the relevant skills, knowledge and experience to carry out their particular assignment within the Scottish Tribunals and have the security of tenure to do so independently and impartially.

Conduct of members

37. The Bill sets out provisions for the removal of tribunal members and for standardising the arrangements for investigation into fitness for office in line with what is already in place for members of the court judiciary.

38. The Bill provides for the First Minister, when requested to do so by the Lord President or otherwise when he thinks fit (having consulted the Lord President), to constitute a fitness assessment tribunal to investigate and report on whether a tribunal member is unfit to hold office by reason of inability, neglect of duty or misbehaviour. The procedures to be followed by and before the tribunal will be made by the Court of Session in an Act of Sederunt. Tribunal reports are to be submitted to the First Minister who will lay the report before Parliament. The fitness assessment tribunal is not a tribunal of the type listed in schedule 1 of the Bill.

39. The Bill provides for the Lord President to make rules for the investigation and determination of any matter concerning the conduct of the members of the Scottish Tribunals. Those subject to these conduct provisions (i.e. the complainer and the member whom the complaint has been raised against) would have the right to an independent review of the process adopted in any investigation by the Judicial Complaints Reviewer (as established by the Judiciary and Courts (Scotland) Act 2008).

Deployment

40. The President of Tribunals is responsible for assigning the members of the First-tier Tribunal among its chambers and the members of the Upper Tribunal among its divisions. Chamber Presidents and Deputy Chamber Presidents will be appointed in respect of particular chambers and will automatically be assigned to those chambers. They may also be assigned to act as legal members in other chambers. Vice-Presidents in the Upper Tribunal will be appointed or assigned in respect of a particular division and will be automatically assigned to act as a member of that division. Vice-Presidents may also be assigned to act as members of other divisions. The other legal members, ordinary members and judicial members are to be assigned by the President

of Tribunals among the chambers/divisions in accordance with the assignment guidance published by the Lord President. It is anticipated that members transferred-in to the Scottish Tribunals from a listed tribunal will be assigned to the chamber/division to which those functions are allocated. Members will, however, be able to be assigned to additional chambers/divisions if they possess the necessary qualifications to do so.

ORGANISATION OF TRIBUNALS

First-tier Tribunal: chambers

41. The Bill allows the Scottish Ministers to make provision, through regulations, for the First-tier Tribunal to be organised into chambers, and for the allocation of tribunal functions amongst those chambers (see illustration at Diagram 2). This is designed to establish boundaries within the First-tier Tribunal according to the subject-matter of the functions it is to exercise so as to allow similar functions to be grouped together. Before doing so the Scottish Ministers must consult the Lord President and any other interested parties. The regulations must be made by affirmative resolution. This will allow proper parliamentary scrutiny and provide necessary safeguards and future proofing. The regulations may delegate the authority for the organisation of chambers to the Lord President. This would allow the Lord President to adapt the chamber structure within the confines permitted by the regulations. It would also allow this to happen without the need for further legislation, as long as it adhered to the limits of the delegated authority. For example, the regulations could provide for certain core chambers to exist but allow the Lord President to organise the structure out-with those particular chambers. The chamber structure will need to be flexible to allow changes to be made as the Scottish Tribunals acquire more functions and additional functions are conferred on them.

42. The chamber structure is intended to facilitate deployment of the members of the Scottish Tribunals. Each chamber will have a Chamber President who may be supported by a Deputy Chamber President. They will provide judicial expertise within their own chamber. Chamber Presidents will be unable to preside over more than one chamber. Chambers will evolve over time in response to the transfer of functions of other tribunals, the creation of new areas of appeal, the establishment of new chambers or the addition of new jurisdictions to a chamber.

43. During the consultation process there were concerns raised by stakeholders about the organisation of the First-tier Tribunal into chambers, with a number of respondents to the consultation (19 of 86) seeking reassurance that the Mental Health Tribunal for Scotland would occupy a single chamber within the new structure. The Scottish Government has made a commitment that initially mental health will be in a chamber on its own. At the moment there are no other tribunals covering a similar subject matter as mental health. It therefore makes sense to do this for now. The Scottish Government recognises the uniqueness of the Mental Health Tribunal for Scotland and is committed to ensuring that all of its distinctive and valued characteristics can be protected and maintained in the new structure.

44. The Scottish Government is committed to ensuring that safeguards in the new structure in relation to the Mental Health Tribunal for Scotland will:

- continue to keep the patient at the centre of everything it does;

- retain the eligibility criteria for non-legal members which ensures that new members have the knowledge, experience and expertise to hear mental health cases;
- retain the tailored and specific training provided to members of the Mental Health Tribunal for Scotland which recognises the patient-centred culture developed by this jurisdiction;
- have a Chamber President who recognises the patient-centric culture and ethos of the Mental Health Tribunal for Scotland and is committed to safeguarding this;
- keep the bespoke rules currently used by the Mental Health Tribunal for Scotland (subject to appropriate modification);
- use, so far as is possible, the same venues for hearings that have been particularly appreciated and uniquely adapted for patients;
- retain the membership of the Mental Health Tribunal for Scotland (including the President) at the time at which its functions are transferred, who have been specifically trained to understand the sensitivities surrounding these particular cases though the provisions in the Bill providing for the transfer-in of members;
- continue to adhere to the Millan Principles⁶ – which the Scottish Government believes are a key strength of this jurisdiction; and
- continue to receive a specialist and dedicated administrative support.

Diagram 2: Illustrative diagram of how chambers in the First-tier might look in the new structure:

FIRST-TIER TRIBUNAL			
Mental Health Chamber	Housing, Land and Property Chamber	Learning Chamber	General Regulatory Chamber
Chamber President	Chamber President (may have a Deputy who could provide expertise in a specific area)	Chamber President (may have a Deputy who could provide expertise in a specific area)	Chamber President (may have a Deputy who could provide expertise in a specific area)
Mental Health	Private Rented Housing/ Home Owner Housing	Additional Support Needs	Charity
	Valuation	Education	Parking
	Crofting		Police

NB: This diagram is intended to be **illustrative** and is **not a comprehensive list** of all the tribunals that will transfer into the new structure. Chamber structure and composition will be made by secondary legislation by affirmative resolution after consultation with interested parties. A full list of the tribunals that can be included in the new structure can be found in **schedule 1 of the Bill**.

⁶ Rt Hon. Bruce Millan - *New Directions: Report on the Review of the Mental Health(Scotland) Act 1984* (2001): <http://www.scotland.gov.uk/health/mentalhealthlaw/millan/Report/rnhs-00.asp>

Upper Tribunal: divisions

45. The Bill allows the Scottish Ministers to make provision through regulations for the Upper Tribunal to be organised into divisions. The term ‘divisions’ as opposed to ‘chambers’ is being used in the Scottish Upper Tribunal to make a clear distinction between the Scottish and the UK structure (where the UK Upper Tribunal is divided into chambers). This will avoid confusion between the two. It also makes a clear distinction between the Scottish First-tier (chambers) and Upper Tribunal (divisions). The regulations allow for the allocation of the Upper Tribunal’s functions between divisions in the same manner as the First-tier Tribunal can be organised into chambers. This will enable the Upper Tribunal’s separate divisions to deal with appeals from the First-tier Tribunal as well as other matters.

46. The policy intention is for the devolved functions of the Lands Tribunal for Scotland to transfer-in to the Upper Tribunal rather than the First-tier Tribunal. The Lands Tribunal has statutory power to deal with various types of dispute involving land or property. These sometimes can be in very complex areas of law or can be around decisions involving large sums of money where the case involves the valuation of land under the Land Reform (Scotland) Act 2003, for example. The Lands Tribunal may hear appeals at first instance or in an appellate capacity. The Scottish Government considers that it can best preserve and enhance the specialist qualities of the Lands Tribunal for Scotland within the Upper Tribunal by allocating its functions to a single division.

47. The Bill allows the creation of further divisions over time, should that become necessary. Each Division will have a Vice-President (or two Vice-Presidents for job-sharing purposes) who will provide judicial expertise within their own Division. Vice Presidents are so called to provide the same clarity between the two tiers for the reasons mentioned earlier for chambers and divisions (see paragraphs 41 and 44). It allows the clear distinction between First-tier Chamber Presidents and Upper Tribunal Vice-Presidents (see paragraph 49).

48. The President of Tribunals may assign himself or herself to act as a Vice-President and may preside over more than one chamber at a time when acting as such. This may be likely to occur where, for example, the Upper Tribunal has only very limited functions.

Distinctive factors of the First-tier and Upper Tribunals

49. As the First-tier and Upper Tribunals will have very different volumes of business we have differentiated between the First-tier Tribunal and Upper Tribunal by using the terms ‘chambers of the First-tier’ and ‘divisions of the Upper Tribunal’. The First-tier is likely to have several chambers for first instance business whereas it is expected that the Upper Tribunal will deal mainly with a small number of appeals and a few first instance cases, for example in the Lands Tribunal. As mentioned previously these differences are aimed at showing clearly which tribunal is being referred to and so as to avoid confusion with the UK Upper Tribunal, where there the ‘divisions’ are called ‘chambers’.

50. There are also distinctions between the role of ‘Chamber President of the First-tier Tribunal’ and ‘Vice-President of the Upper Tribunal’. There are clear differences between the two roles and an element of seniority around the role of Vice-President. For example, the President of Tribunals can assign himself or herself to the role of Vice-President but cannot assign himself or

herself to the role of Chamber President. This ensures that the Chamber Presidents are appointed for their knowledge and expertise in the subject areas within their chamber. In addition, a Chamber President is automatically a legal member of the Upper Tribunal but a Vice-President is not automatically a legal member of the First-tier Tribunal. This is because a Vice-President would be a judicial or legal member of the Upper Tribunal and, whereas the Chamber President has the legal qualification to sit in the Upper Tribunal, there is no requirement for a Vice President to sit in the First-tier, other than for the reasons specified before in paragraphs 20-21.

TRANSFER OF FUNCTIONS

51. The new structure will be populated in a phased programme. The functions of listed tribunals along with their members and caseload will transfer-in separately to the new structure by regulations (which are subject to the affirmative procedure). This enables proper scrutiny as individual jurisdictions are transferred. Many of these tribunals have complex founding legislation and care will need to be taken to ensure functions are transferred-in correctly. This will take time to progress.

52. The Bill provides that the list of tribunals set out in schedule 1 can be amended or added to over time. The structure will, therefore, be able to accommodate new tribunals as well as existing ones. The functions of the listed tribunals will also be able to transfer into one or both tribunals. This will allow for more complicated functions at first instance to be dealt with by the Upper Tribunal (who will have access to members with higher levels of qualifications and experience).

53. The Bill enables the regulations to modify the subject-matter legislation establishing the listed tribunal to allow the jurisdiction to operate effectively within the new structure.

INTERNAL REVIEW, APPEALS AND SPECIALIST JURISDICTION

Internal Review of Decisions

54. The Bill introduces a new measure to allow the First-tier Tribunal and the Upper Tribunal to review their own decisions where, for example, simple administrative errors have occurred.

55. The Bill will allow the First-tier Tribunal and the Upper Tribunal to review a decision made within the tribunal, either of its own initiative or on application by any party with a right of appeal in respect of the decision. The tribunal will have the power to take no action, correct minor or accidental errors or set aside the decision. If the First-tier Tribunal sets aside a decision, it will be able to either re-decide the matter concerned, or refer the matter to the Upper Tribunal. If the latter option is taken, the Upper Tribunal will then be responsible for re-deciding the matter.

56. No decision of the First-tier Tribunal can be reviewed more than once, and a decision of the tribunal not to review a decision is not reviewable or appealable. Further challenge of a decision beyond the single review will only be allowed by appeal on a point of law. The ability to review does not restrict the right of appeal.

57. The aim of this provision is to cut down on the number of appeals generated by administrative mistakes.

Role of the Upper Tribunal

58. The report of the Scottish Committee of the Administrative Justice and Tribunals Council (SCAJTC), *Tribunal Reform in Scotland: a vision for the future (2011)*⁷, considered the issue of rationalising appeals from tribunals. The SCAJTC thought that standardising the route of tribunal appeals to a single body would:

- facilitate the development of expertise among appellate judges;
- make the appeal process more accessible to tribunal users;
- speed up justice in comparison to taking appeals to the Court of Session;
- streamline and simplify case handling processes, thus supporting the development of expertise among administrative support staff; and,
- make it easier for support organisations to provide advice to tribunal users who wish to appeal a tribunal's decision.

59. In the White Paper, *Transforming Public Services: Complaints, Redress and Tribunals (2004)*⁸, the UK Government said, '*the very low level of onward appeals in almost all tribunals could indicate that in general there is a high level of acceptance of the decisions and this is one indicator of the quality of decisions. But equally it could indicate that appellants just give up.*'

60. This supports an argument for the need for an onward appeal to an Upper Tribunal, keeping onward appeals within the tribunals structure and avoiding the need to go to court, which many users may find more daunting.

61. In most cases the Scottish Government would expect that decisions taken by the First-tier Tribunal would be accepted. However, tribunal users should have an accessible and affordable method of appealing a First-tier Tribunal's decision. The Scottish Government believes that the appropriate forum for most appeals from First-tier Tribunal decisions is an appellate tier within the tribunal structure (with some exceptions⁹) for the reasons set out by SCAJTC. The Bill, therefore, creates a general right of appeal to the Upper Tribunal. This appeal route would be the default position. An appeal from a First-tier Tribunal is limited to a point of law. The Bill also, enables existing rights of appeal to be preserved when the functions of a listed tribunal are transferred-in. The Scottish Ministers can also make regulations excluding the general right of appeal to functions which have been transferred-in and which prior to the transfer, there was no existing right of appeal.

62. The core function of the Upper Tribunal will be as an appellate body, providing the normal route of appeal on points of law from decisions of the First-tier Tribunal. There will also be

⁷ *Tribunal Reform in Scotland: A Vision for the Future* (2011) <http://www.justice.gov.uk/ajtc/news/trib-reform-scot-vision.htm>

⁸ *Transforming Public Services: Complaints, Redress and Tribunals (2004)*
<http://webarchive.nationalarchives.gov.uk/20041109030152/http://www.dca.gov.uk/pubs/adminjust/adminjust.htm>

⁹ The Scottish Government accepted in the consultation paper *Proposals for a new tribunal structure for Scotland (2012)* (paragraph 4.13) that appeals under section 322 of the 2003 Act from MHTS decisions concerning patients subject to restriction orders, transfer for treatment directions or hospital directions should continue to be heard by the Court of Session.

onward appeals from the Upper Tribunal to the Court of Session, and ultimately to the Supreme Court where necessary.

63. The Upper Tribunal's powers on appeal will be to:

- uphold the decision;
- remit the case to the First-tier Tribunal for the First-tier Tribunal to reconsider, with directions which can relate to law or fact and may be given with procedural guidance which could include composition of the panel when rehearing the case; or
- substitute its own decision, only if it can properly do so on the facts found to be established by the First-tier Tribunal, or having made such further findings of fact as it considers is appropriate.

Appeals from the Upper Tribunal

64. The Bill also provides for a right to appeal a decision of the Upper Tribunal to the Court of Session on a point of law. Permission to appeal must be granted by the Upper Tribunal or the Court of Session itself where they are satisfied there are arguable grounds for appeal. Where the decision of the Upper Tribunal being appealed to the Court of Session concerns a decision of the Upper Tribunal on appeal from the First-tier Tribunal (i.e. a second appeal) then permission to appeal is not to be granted unless it would raise some important point of principle or practice or there is some other compelling reason for the appeal to be heard. The policy intention underlying this position is to limit successive appeals where a reasoned appeal has already been heard.

Judicial Review

65. The Bill also provides for judicial review within the Upper Tribunal in appropriate cases. The Bill provides a mechanism enabling the Court of Session to transfer petitions for judicial review to the Upper Tribunal in limited circumstances. The Scottish Government envisages it could be used to transfer a petition to the Upper Tribunal where it concerns a subject matter over which the Upper Tribunal has developed considerable expertise. The Bill gives the Upper Tribunal the necessary powers to determine the petition once it has been transferred. Petitions would always have to be lodged in the Court of Session first prior to transfer and cannot be initiated in the Upper Tribunal.

66. The petition must not seek anything other than the exercise of the supervisory jurisdiction of the Court of Session. Petitions must fall within a particular category of petitions specified by the Court of Session in an Act of Sederunt made with the consent of the Scottish Ministers.

PRACTICE AND PROCEDURE

Tribunal Rules

67. There are no plans to comprehensively rewrite the rules of procedure applying in respect of each listed tribunal once their functions are transferred-in to the Scottish Tribunals. The Bill enables existing rules to be retained (with appropriate modification) until such time as they require to be amended or new rules are to be introduced. Some modifications will be required to enable the new structure to function correctly.

68. The 1957 Franks Committee on ‘Administrative Tribunals and Enquiries’¹⁰ identified certain characteristics that should be reflected in tribunal procedures. These were openness, fairness and impartiality. In the Committee’s view impartiality is achieved by independence from the real or apparent influence of departmental policy.

69. In 2009 Lord Gill, then the Lord Justice Clerk, delivered the *Scottish Civil Courts Review*¹¹ which was heralded as the "most far-reaching reform of Scotland’s civil justice system in nearly two centuries". One of the recommendations from Lord Gill’s 206 proposals was the establishment of a new Scottish Civil Justice Council (SCJC) to draft rules of procedure for civil proceedings in the Court of Session and sheriff court (Chapter 15) with responsibility for formulating policy, and drafting court procedure rules, in relation to civil justice matters.

70. Whilst Lord Gill’s proposal covered civil courts it did not address the rule-making procedures for tribunals. Presently there is no single body that writes or amends rules for tribunals. The majority of tribunal rules are currently made by Scottish Ministers (acting on the advice of government officials) by subordinate legislation, under various rule making powers. However, in response to Lord Gill’s review the Scottish Government noted that the SCJC’s remit could be extended to cover tribunals¹².

71. The Scottish Civil Justice Council and Criminal Legal Assistance Act 2013 (‘2013 Act’) establishes the SCJC. The SCJC will replace the existing Sheriff Court and Court of Session Rules Councils and have a wider policy role to advise and make recommendations on improving the civil justice system in Scotland. Oversight and direction of the new body will rest with the Lord President.

72. The Bill makes provision to amend the 2013 Act, to provide the SCJC with the power to propose rules of procedure for the Scottish Tribunals. Thereafter, rules would be made by an Act of Sederunt following preparation by the SCJC. The SCJC will also have a role in reviewing the practice and procedure adopted by the Scottish Tribunals. However, as there is a clear distinction between courts and tribunals, the Bill provides for the SCJC to use the powers provided in the 2013 Act (section 13 (1)) to constitute a ‘tribunals committee’ to deal with tribunal rules. The committee would be composed of persons with tribunal experience in the area for which the rules were being made. The tribunals committee would be chaired and panel members would be selected by the President of Tribunals. This will ensure that the distinctiveness and ethos of tribunals is protected in the new structure and the person with the most knowledge of the tribunals within their charge was responsible for ensuring representation from the right people in each case. This is also in recognition of the variation between different tribunals from one subject area to another and that one set of generic rules would not suit all. The tribunals committee’s role will be to draft the rules but the SCJC would be required to sign them off and submit them to the Court of Session in keeping with the intentions of the 2013 Act.

¹⁰ Sir Oliver Franks, *Report of the Committee on Tribunals and Inquiries* (1957)

¹¹ Rt Hon Lord Gill, *The Report of the Scottish Civil Courts Review* (2009):
<http://www.scotcourts.gov.uk/civilcourtsreview/>

¹² Scottish Government response to report and recommendations of the Scottish Civil Courts Review (2010):
www.scotland.gov.uk/Resource/Doc/330272/0107186.pdf

73. As the SCJC will be newly established it is unlikely they will be able to assume responsibility for tribunal rule-making immediately. Until that time, the Bill provides for the Scottish Ministers to make rules for the Scottish Tribunals. At the point when the SCJC receives the responsibility for preparing procedural rules, the Scottish Government anticipate that rules will already be in place, including those for the new Upper Tribunal, and do not, therefore, expect the SCJC to have a substantial workload in making tribunal rules.

Practice Directions

74. The Bill also sets out a process for making practice directions. The President of the Scottish Tribunals may issue practice directions as to practice and procedure to be adopted in the Scottish Tribunals while a Chamber President/Vice-President may issue practice directions to his or her particular chamber/division. Practice Directions remain subject to any provision made in the procedural rules.

EXPENSES

75. The Bill allows the tribunals rules to provide for the Scottish Tribunals to award expenses in a similar way as courts. It does not require expenses to be awarded in all cases, rather that there would be flexibility as part of the creation of the new structure to determine where an expenses system would be appropriate and whether there should be any limits to such a system.

ENFORCEMENT

76. The Bill allows for the tribunal rules to provide the decisions of the tribunals to be enforced in a similar means to that of orders of the Scottish courts.

ADMINISTRATIVE SUPPORT, FEES AND ANNUAL REPORT

77. The Scottish Ministers are currently responsible for providing administrative support to a number of devolved tribunals. The administrative support is provided to these tribunals on behalf of Ministers by the Scottish Tribunals Service (which forms part of the Scottish Government). This will continue in the new structure. The long-term aim is for administrative support for tribunals to be merged with administrative support for courts. This is subject to a separate consultation exercise. To allow full and proper consideration of this proposal provision will not be made in the Tribunals Bill to effect a merger.

78. Some of the tribunals whose functions will transfer into the new structure have statutory authorisation to charge fees. For example, the Lands Tribunal for Scotland has the ability to charge fees under section 3(6) of the Land Tribunal Act 1949. The Homeowner Housing Panel can also recover costs which it has incurred in exercising its functions under the Property Factors (Scotland) Act 2011 by virtue of section 26 of that Act. The Bill therefore includes provision for the Scottish Tribunals to be able to charge fees.

79. The Bill places a duty on the President of the Scottish Tribunals to prepare an annual report for the Lord President covering the operation of tribunal business within the new structure. The report is required to be published and copied to the Scottish Ministers.

ALTERNATIVE APPROACHES

Structure

79. The Leggat report looked at a structure for the UK tribunal landscape which was implemented following the Tribunals Courts and Enforcement Act 2007 and has proven to work well. The Scottish Government considered this a good example and was the basis for the consultation on their proposals. This Bill creates a similar structure which would incorporate reserved tribunals easily should there be further devolution of tribunals in Scotland.

80. The report in 2008 by Lord Philip - *Options for the Future Administration and Supervision of Tribunals in Scotland* - provided five options to address the issues with the tribunals structure in Scotland. These were to:

- retain the status quo;
- put mechanisms in place to ensure better integration and co-operation between the UK Tribunals Service and wholly Scottish tribunals;
- bring all Scottish tribunals within the remit of the existing UK Tribunals Service;
- establish a new Scottish Tribunals Service to support all Scottish Tribunals; and
- establish a new Scottish Tribunals Service to support both GB tribunals within Scotland and all Scottish tribunals.

81. All of the five options were considered and some of the recommendations have been adopted prior to the preparation of this Bill. However, the Philip report's options were more about the supportive elements of the tribunals' structure than the structure itself. One of the options taken forward was the establishment of the Scottish Tribunals Service in December 2010 to support devolved tribunals and those that were created by an act of the Scottish Parliament.

82. Negotiations have also taken place with the UK Government to transfer the responsibilities for administrative support and judicial leadership of reserved tribunals that sit in Scotland to the Scottish Ministers and the Lord President respectively, which broadly supports bullet point five above. These plans have been put on hold due to delays incurred at a UK level.

83. These recommendations formed part of the solution to address the fragmentation and complexity of the tribunal system as found by Lord Philip's expert group, but it did not address all the issues. This Bill provides an opportunity to address the issues effectively by establishing a new structure for Scottish tribunals in legislation.

84. The creation of a new structure will reduce the complexity of the system, introduce consistency with the appointments process and provide a degree of standardisation across the structure as a whole. These issues were considered to be as appropriate and as necessary as providing an integrated administrative support service.

Including provisions in Judiciary and Courts (Scotland) Act 2008

85. Consideration was given to amending Section 2 (1) of the Judiciary and Courts Act 2008 in terms of revising the subsection to say that the Lord President would be the Head of the Scottish Judiciary and the Scottish Tribunals.

86. However, not all of the Lord President's duties as head of the court judiciary are directly applicable to tribunals such as those around tribunal members training and provisions for review. For that reason it was decided that the Bill should reflect the more relevant provisions in the 2008 Act and create an overall more coherent package of provisions for tribunals in the Bill.

Upper Tribunal Scotland

87. As the volume of appeals in devolved tribunals is expected to be low consideration was given to allowing the appeal systems that currently exist to stay in place. This would have meant most appeals would either go to the Sheriff Court or the Court of Session.

88. Creating a new Upper Tribunal for Scotland takes tribunal business out of the courts and into a dedicated tribunal. This creates the ability to develop specialism and expertise in the tribunal and may be a more efficient and cost effective alternative to courts.

President of the Scottish Tribunals

89. Consideration was given to having the role of President of the Scottish Tribunals made in the same way as other judicial appointments, i.e. through JABS.

90. However, the role of President of the Scottish Tribunals is being created in recognition that the Lord President will be unable to undertake his proposed new duties unassisted. While it would have been entirely appropriate for the proposals to have allowed the Lord President to delegate his or her powers however he or she chose, the Bill ensures that there should be a specific position within the new structure with sufficient seniority to secure the proper distinction and separation of tribunals from the courts.

91. The President of the Scottish Tribunals will be exercising functions on behalf of the Lord President and in doing so, will be responsible for the judicial organisation of the proposed First-tier and Upper Tribunal. Since the membership of the Upper Tribunal will consist of judges of the Court of Session, sheriffs principal, sheriffs and Chamber Presidents, it is important that the individual undertaking the role has the appropriate seniority within the judicial hierarchy to manage the business within the structure on the Lord President's behalf.

92. In creating the role of President of the Scottish Tribunals, the Scottish Ministers must not breach the guarantee of continued judicial independence contained in Section 1 of the Judiciary and Courts (Scotland) Act 2008. This is particularly applicable in relation to the need of the tribunal members to have the support necessary to enable them to carry out their functions. As such, it will be for the Lord President to assign a judge of the Court of Session as the President of the Scottish Tribunals.

93. The President of the Scottish Tribunals will ensure that tribunal business is distinct from courts, protecting tribunal specialism and providing a voice for tribunals in Scotland.

CONSULTATION

94. A public consultation on proposals for the Bill closed on 15 June 2012¹³. Around 600 copies of the consultation paper were distributed and 86 responses received in total, 59 from organisations and 27 from individuals. Responses were received from a range of stakeholders with varying backgrounds including, the judiciary, the legal sector, local government, voluntary organisations and the medical profession. There was also extensive engagement with stakeholders during the consultation period. Four meetings were held across Scotland in Dumfries, Edinburgh, Glasgow and Inverness during the consultation process. These were attended by a range of people with an interest in tribunal reform including tribunal members, health care professionals, user representatives, support groups and local government services. The Scottish Government also hosted a specific event facilitated by the Mental Welfare Commission for stakeholders with an interest in the Mental Health Tribunal for Scotland.

95. The consultation set out the background for reform and asked 6 specific questions in relation to the Scottish Government's proposals for tribunal reform. These questions were to elicit views on the development of component parts of the new structure. The consultation asked about reconsiderations and appeals; leadership; ability to hear cases; remuneration; the making of rules; and it asked a specific question on the how the proposals would affect those with protected characteristics.

96. The majority of consultation respondents and event participants supported reform of the tribunal structure as a whole. Respondents raised particular issues in relation to the proposed chamber structure, appointments system, membership of the Upper Tribunal and tribunals rules. However it was clear from some of the responses that there was a misunderstanding that the proposed new structure sought to take away the specialist ethos of the individual tribunals.

97. A significant number were in favour of the mental health tribunal for Scotland (MHTS) being in a single chamber on its own, although this was generally based on some misunderstanding about what being in a chamber meant in terms of appointments and ticketing within and across chambers.

98. The majority were in favour of judicial leadership becoming the responsibility of the Lord President and also, the creation of a new position, the President of the Scottish Tribunals, to assist him in his role.

99. While most respondents were in favour of appointments coming under JABS a number raised concerns that there would be generic appointments that would not address the specialist needs of individual tribunals. The consultation report clarified that the Bill would introduce the same standard minimum criteria for appointment where appropriate, for example by the

¹³ Consultation on the Scottish Government's Proposals for a New Tribunal System for Scotland: Scottish Government (2012) - <http://www.scotland.gov.uk/Publications/2012/03/8967>

introduction of standard legal criteria for legal members. Individual appointments would still be made to specific jurisdictions maintaining the specialism of members recruited.

100. There were a number of views on how rules should be made in the new system ranging from the status quo, agreement with the proposal that the SCJC should propose new rules, to the establishment of a Tribunal Procedure Committee akin to what was provided for in the UK by virtue of the Tribunal, Courts and Enforcement Act 2007. The vast majority of respondents felt that Chamber Presidents, stakeholders and tribunal users should be included in the process.

101. The consultation report¹⁴, published on 31 August 2012, provided more detail and clarified the policy intention on issues raised by respondents. The report can be found at: <http://www.scotland.gov.uk/publications/2012/08/1747>.

102. Since the government response was published in August 2012, there has been extensive follow-up meetings carried out with interested stakeholders to address concerns and explain the policy in more detail.

EFFECTS ON EQUAL OPPORTUNITIES, HUMAN RIGHTS, ISLAND COMMUNITIES, LOCAL GOVERNMENT, SUSTAINABLE DEVELOPMENT ETC.

Equal Opportunities

103. The Bill's provisions do not discriminate on the basis of age, gender, race, disability, marital status, religion or sexual orientation.

104. The new Tribunals structure aims to develop a fairer more accessible and efficient structure for resolving disputes for all types of person, from across Scotland.

105. An Equality Impact Assessment will be published in relation to the Bill.

Human Rights

106. The establishment of the new Tribunals and the subsequent transfer of functions to them will have an effect on a person's rights under Article 6 of the European Convention on Human Rights (right to a fair trial). The Scottish Government is of the view that the provisions of the Bill are compatible with the European Convention on Human Rights.

107. Article 6 will be engaged in most of the proceedings before the First-tier Tribunal and the Upper Tribunal and, therefore, requires that the proceedings be heard by an independent and impartial tribunal.

¹⁴ Scottish Government's proposals for a new tribunal system in Scotland: Consultation Report: Scottish Government (2012) - <http://www.scotland.gov.uk/Publications/2012/08/1747>

108. The Scottish Government considers that the independence and impartiality of the Scottish Tribunals is secured through the following measures:

- the statutory duty contained in section 4 requiring the independence of the members of the Scottish Tribunals to be upheld;
- the process for appointing and selecting members of the Scottish Tribunals; and
- the security of tenure given to members of the Scottish Tribunals.

109. The practice and procedure adopted by the Scottish Tribunals will also need to comply with Article 6 in proceedings where it is engaged. Since the Scottish Tribunals will exercise a wide range of decision-making functions in a diverse range of subject-matters, the detail relating to procedure is left to subordinate legislation. The detail set out in the subordinate legislation will also have to ensure compatibility with Article 6 of the Convention.

Islands and Rural Communities

110. The Bill has no differential impact upon island or rural communities. The provisions of the Bill apply equally to all communities in Scotland.

Local Government

111. The Bill has no detrimental impact of local authorities.

Sustainable Development

112. The Bill will have no negative impact on sustainable development.

Business and Regulatory Impact Assessment

113. The Bill will have no impact on Scottish Business or the Third Sector, nor will it transfer any costs. Therefore, a Business and Regulatory Impact Assessment (BRIA) was not carried out in relation to the Bill.

This document relates to the Tribunals (Scotland) Bill (SP Bill 30) as introduced in the Scottish Parliament on 8 May 2013

TRIBUNALS (SCOTLAND) BILL

POLICY MEMORANDUM

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