

Status: Point in time view as at 08/01/2016.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Tribunals (Scotland) Act 2014. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULE 9 TRANSITIONAL AND CONSEQUENTIAL

PART 2

CONSEQUENTIAL MODIFICATIONS

Scottish Civil Justice Council and Criminal Legal Assistance Act 2013

- 13 (1) The Scottish Civil Justice Council and Criminal Legal Assistance Act 2013 is amended as follows.
- (2) In subsection (1) of section 2 (functions of the Council)—
- (a) after paragraph (b) there is inserted—
- “(ba) to review the practice and procedure followed in proceedings in the Scottish Tribunals,”
- (b) in paragraph (c)—
- (i) the words “draft civil procedure rules” become sub-paragraph (i),
- (ii) after that sub-paragraph (as so numbered) there is inserted—
- “(ii) draft tribunal procedure rules,”.
- (3) In subsection (3) of section 2, after paragraph (c) there is inserted—
- “(ca) practice and procedure should, where appropriate, be similar in both of the Scottish Tribunals (and in different chambers or divisions within them),”.
- (4) After subsection (6) of section 2 there is inserted—
- “(7) For the purposes of this Part, “draft tribunal procedure rules” are draft rules prepared with a view to the making by the Court of Session by act of sederunt of Tribunal Rules with respect to the Scottish Tribunals.”.
- (5) In section 4 (Court of Session to consider rules)—
- (a) in subsection (1), after the words “draft civil procedure rules” there is inserted “ or draft tribunal procedure rules ”,
- (b) in subsection (2), after the words “draft civil procedure rules” there is inserted “ or draft tribunal procedure rules ”.
- (6) In section 6 (composition of the Council), in subsection (1)—
- (a) for the word “20” there is substituted “ 22 ”,
- (b) after paragraph (a) there is inserted—
- “(aa) the President of Tribunals,”
- (c) after paragraph (e) there is inserted—
- “(ea) from the membership of the Scottish Tribunals, 1 Chamber President or 1 Vice-President (“Tribunal representative member”),”.
- (7) In section 8 (tenure)—
- (a) in subsection (1), after the words “Lord President,” there is inserted “ the President of Tribunals, ”,
- (b) after subsection (3) there is inserted—

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“(3A) A Tribunal representative member holds office for a period of 3 years unless, prior to the expiry of that period, the Lord President replaces the representative with another Tribunal representative member or requires the member to leave office.”.

(8) The title of section 13 becomes “ **Committees generally** ”.

(9) After section 13 there is inserted—

“Tribunals

13A Tribunals committee

- (1) The Council must establish a particular committee under section 13(1) in connection with the exercise by it of the functions arising by virtue of section 2(1)(ba) and (c)(ii).
- (2) The committee is to be chaired by the President of Tribunals or the Tribunal representative member.
- (3) The other members of the committee are to be selected by the President of Tribunals.
- (4) In selecting those members of the committee, the President of Tribunals is to have particular regard to the need to ensure that its membership includes persons with knowledge of how the Scottish Tribunals exercise their functions.
- (5) The Council may not make a determination under section 12(3)(b) which is inconsistent with subsections (2) to (4).”.

(10) In section 16 (interpretation of Part 1)—

- (a) the existing text becomes subsection (1),
- (b) in that subsection (as so numbered), after the entry relating to draft civil procedure rules there is inserted—

“draft tribunal procedure rules” has the meaning given in section 2(7).”.

- (c) after that subsection (as so numbered) there is inserted—

“(2) In this Part—

“Scottish Tribunals”, “President of Tribunals” and “Tribunal Rules” are to be construed in accordance with the Tribunals (Scotland) Act 2014,

“Chamber President” means Chamber President in the First-tier Tribunal as referred to in that Act and “Vice-President” means Vice-President of the Upper Tribunal as referred to in that Act (with “chamber” and “division” in relation to the Scottish Tribunals to be construed in accordance with that Act).”.

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Commencement Information

II Sch. 9 para. 13(1)(2)(b)(i) in force at 8.1.2016 by [S.S.I. 2015/422](#), **art. 2**

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