

Draft Regulations laid before the Scottish Parliament under section 79(2) of the Tribunals (Scotland) Act 2014 for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2023 No.

TRIBUNALS AND INQUIRIES

The First-tier Tribunal for Scotland (Allocation of Functions to the General Regulatory Chamber) Regulations 2023

Made - - - - 2023
Coming into force - - 1st June 2023

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 20(2) of the Tribunals (Scotland) Act 2014⁽¹⁾ and all other powers enabling them to do so.

In accordance with section 11(1) of that Act, the Scottish Ministers have obtained the approval of the Lord President for the making of these Regulations and have consulted such other persons as they consider appropriate.

In accordance with section 79(2) 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 (Allocation of Functions to the General Regulatory Chamber) Regulations 2023 and come into force on 1 June 2023.

(2) In these Regulations—

“the 2019 Act” means the Transport (Scotland) Act 2019⁽²⁾,

“the First-tier Tribunal” means the First-tier Tribunal for Scotland.

Allocation of low emission zone scheme functions to the First-tier Tribunal

2.—(1) The low emission zone scheme functions of the First-tier Tribunal are allocated to the General Regulatory Chamber⁽³⁾.

(1) [2014 asp 10](#).

(2) [2019 asp 17](#).

(3) The General Regulatory Chamber of the First-tier Tribunal for Scotland was brought into being by [S.S.I. 2016/341](#).

(2) The low emission zone scheme functions of the First-tier Tribunal are the functions conferred on the First-tier Tribunal by the Low Emission Zones (Emission Standards, Exemptions and Enforcement) (Scotland) Regulations 2021⁽⁴⁾.

Allocation of parking prohibition functions to the First-tier Tribunal

3.—(1) The parking prohibition functions of the First-tier Tribunal are allocated to the General Regulatory Chamber.

(2) The parking prohibition functions of the First-tier Tribunal are any function conferred on the First-tier Tribunal by regulations made under section 59 of the 2019 Act.

Allocation of workplace parking licensing scheme functions to the First-tier Tribunal

4.—(1) The workplace parking licensing scheme functions of the First-tier Tribunal are allocated to the General Regulatory Chamber.

(2) The workplace parking licensing scheme functions of the First-tier Tribunal are the functions conferred on the First-tier Tribunal by the Workplace Parking Licensing (Scotland) Regulations 2022⁽⁵⁾.

St Andrew's House,
Edinburgh
Date

Name
Authorised to sign by the Scottish Ministers

(4) S.S.I. 2021/177.
(5) S.S.I. 2022/4.

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Tribunals (Scotland) Act 2014 (“the 2014 Act”) created a new structure for tribunals in Scotland dealing with devolved matters under the judicial leadership of the Lord President of the Court of Session as head of the Scottish Tribunals. It provides for a First-tier Tribunal and an Upper Tribunal for Scotland, with these being known, collectively, as the Scottish Tribunals. Generally, the First-tier Tribunal deals with cases in the first instance to which a general right of appeal lies to the Upper Tribunal. The 2014 Act provides for the First-tier Tribunal to be divided into chambers in order to deal with the various matters falling within the jurisdiction of the Scottish Tribunals.

These Regulations allocate functions to the First-tier Tribunal General Regulatory Chamber: those relating to low emission zone schemes, pavement parking prohibitions, double parking prohibitions, dropped footway parking prohibitions and workplace parking licensing schemes. These functions are conferred on the First-tier Tribunal for Scotland by regulations made under the Transport (Scotland) Act 2019 (“the 2019 Act”).

These Regulations come into force on 1 June 2023. Regulation 3 will take effect on such later date as regulations are made under section 59 of the 2019 Act.

No business and regulatory impact assessment has been prepared for these Regulations as no impact upon business, charities or voluntary bodies is foreseen.