

## POLICY NOTE

### The Tribunals (Scotland) Act 2014 (Commencement No. 3) Order 2015

#### SSI 2015/422 (C. 55)

1. The above instrument is made in exercise of the powers conferred by section 83(2) of the Tribunals (Scotland) Act 2014 and is not subject to any parliamentary procedure.

#### Policy Objectives

2. This Order brings into force provisions of the Tribunals (Scotland) Act 2014 (“the Act”). The policy objectives relating to the Act are fully described in the Policy Memorandum which accompanied the Bill (“the Bill”) for the Act. The link below shows the passage of the Bill through Parliament and includes the Policy Memorandum.

<http://www.scottish.parliament.uk/parliamentarybusiness/Bills/62938.aspx>

3. There have been two commencement orders laid in relation to the Act which have commenced all provisions of the Act with the exception of section 77 and schedule 9, paragraph 13. Section 77 will not be commenced because it has been repealed by the Courts Reform (Scotland) Act 2014.

4. Paragraph 13 concerns the rule-making functions of the Scottish Civil Justice Council and it is not proposed to be commenced until the Council is ready to take on tribunals work which we envisage will happen in 2017. In the meantime, rules for the Scottish Tribunals will be made by the Scottish Ministers by regulations.

5. This Order commences sub-paragraphs (1) and (2)(b)(i) only, within paragraph 13 of schedule 9 referred to. This means that the substance of paragraph 13 will remain un-commenced for the time being. Sub-paragraphs (1) and (2)(b)(i) are commenced to support the implementation of other legislation amending the Scottish Civil Justice Council and Criminal Legal Assistance Act 2013.

6. This is therefore a technical amendment to ensure that the Scottish Civil Justice Council and Criminal Legal Assistance Act 2013 makes it clear that the Scottish Civil Justice Council has the relevant powers to develop different sets of rules as required at the appropriate points of time.

#### Impact Assessments

7. An equality impact assessment has already been completed on the Tribunals (Scotland) Act – see link below.

<http://www.scotland.gov.uk/Resource/0042/00421637.pdf>

A Business and Regulatory Impact Assessment is not required.

Scottish Government  
Justice Directorate  
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