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POLICY NOTE

**THE UPPER TRIBUNAL FOR SCOTLAND (RULES OF PROCEDURE)
AMENDMENT REGULATIONS 2016**

SSI 2016/333

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1. The above instrument was made in exercise of the powers conferred by paragraph 4(1)(b) and (2) of Schedule 9 of the Tribunals (Scotland) Act 2014 (the 2014 Act). In accordance with paragraph 4(3) of Schedule 9 to the 2014 Act the President of Tribunals has been consulted on these regulations.

Policy Objectives

2. The 2014 Act allows rules to be made to regulate the practice and procedure of both the First-tier and Upper Tribunals. Paragraph 4(2) of Schedule 9 of the 2014 Act allows rules to be made by the Scottish Ministers until such time as responsibility for rule making passes to the Court of Session.

3. Regulation 2(4) of the Scottish Tribunals (Time Limits) regulations 2016 refers to written reasons being requested in writing and regulation 29(3) of the Upper Tribunal for Scotland (Rules of Procedure) Regulations 2016 does not specify that written reasons must be requested in writing. This instrument correct this anomaly.

4. Fuller details of the policy objectives relating to the 2014 Act are described in the Policy Memorandum which accompanied the Tribunals Bill. 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

Impact Assessments

5. As the Order is technical amendment to make an amendment to the Upper Tribunal Rules of Procedure regulations we do not consider there is a requirement for any Impact Assessments on this occasion.

6. An Equality Impact Assessment was completed for the Upper Tribunal for Scotland (Rules of Procedure) Regulations 2016 – see link below:
http://www.gov.scot/Publications/2016/08/9309

7. An Equality Impact Assessment was also completed for the Tribunals (Scotland) Bill – see link below:
http://www.scotland.gov.uk/Resource/0042/00421637.pdf

Scottish Government
Learning and Justice Directorate
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