

2017 No. 148

TRIBUNALS AND INQUIRIES

The First-tier Tribunal for Scotland (Oaths) Regulations 2017

Made - - - - *9th May 2017*

Laid before the Scottish Parliament *11th May 2017*

Coming into force - - *12th June 2017*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 80 of the Tribunals (Scotland) Act 2014(a) and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the First-tier Tribunal for Scotland (Oaths) Regulations 2017 and come into force on 12th June 2017.

(2) In these Regulations, “the Act” means the Tribunals (Scotland) Act 2014.

Taking of oaths – Chamber Presidents

2.—(1) In anticipation of the transfer of the functions of a listed tribunal, the President of that tribunal may take the required oaths for the purposes of paragraph 11(3) of schedule 7 of the Act at a time prior to that person becoming a Chamber President in the First-tier Tribunal.

(2) A person may take the required oaths under paragraph (1) only if that person has received from the Scottish Ministers a letter stating that it is their intention that that person become a Chamber President, whether by appointment or by transfer by way of regulations under paragraph 1(1) of schedule 2 of the Act.

Taking of oaths - members

3.—(1) In anticipation of the transfer of the functions of a listed tribunal, a member of that tribunal may take the required oaths for the purposes of paragraph 11(6) of schedule 7 of the Act at a time prior to that person becoming a member of the First-tier Tribunal.

(2) A person who takes the required oaths in the circumstances referred to in paragraph (1) may do so in the presence of an appropriate office-holder.

(3) An “appropriate office-holder” means—

(a) a person who—

(i) is the President of the listed tribunal of which the person taking the oaths is a member; and

(ii) has taken the required oaths under regulation 2 or in connection with the office referred to in paragraph (i); or

(a) 2014 asp 10.

(b) a person who, by virtue of—

(i) a letter of appointment issued to that person; or

(ii) regulations under paragraph 1(1) of schedule 2 of the Act which have been made or laid before the Scottish Parliament in draft,

is to become a Chamber President of the chamber of the First-tier Tribunal to which the functions of the tribunal referred to in sub-paragraph (a) are to be allocated and who has taken the required oaths under regulation 2.

(4) Nothing in paragraph (2) prevents the required oaths being taken in the presence of the President of Tribunals or a person who is already a Chamber President in the First-tier Tribunal.

ANNABELLE EWING

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
9th May 2017

EXPLANATORY NOTE

(This note is not part of the Regulations)

Paragraph 11 of schedule 7 of the Tribunals (Scotland) Act 2014 requires a Chamber President in, and members of, the First-tier Tribunal for Scotland to take “the required oaths”, being the oath of allegiance and the judicial oath as set out in the Promissory Oaths Act 1868.

Regulation 2 allows a person who is to become a Chamber President to take the oaths prior to taking up that office, where that person is the President of an existing listed tribunal and has received a letter from the Scottish Ministers stating their intention to appoint him or her as a Chamber President.

Regulation 3 makes provision allowing a person who is to become a member of the First-tier Tribunal in connection with the transfer to that Tribunal of the functions of an existing tribunal to take the oaths on a day prior to membership commencing. The oaths may be taken in the presence of the President of the existing tribunal in question or of a person who is to become a Chamber President in the chamber of the Tribunal to which the functions of that existing tribunal are to be allocated.

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