
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make the Upper Tribunal for Scotland Social Security Rules of Procedure 2018 regulating the practice and procedure to be followed in the Upper Tribunal for Scotland when dealing with proceedings relating to Scottish Ministers' exercise of functions under the Social Security (Scotland) Act 2018 or regulations made under it which confer a right of appeal. All other proceedings are subject to the Upper Tribunal for Scotland Rules of Procedure 2016, unless specific rules of procedure are made which apply to the proceedings.

These Rules will apply until such time as the powers of the Scottish Civil Justice Council and the Court of Session to make Tribunal Rules (under paragraph 13(2) and (5) of schedule 9 of the Tribunals (Scotland) Act 2014) come into force and are exercised.

The Upper Tribunal for Scotland, set up by section 1 of the Tribunals (Scotland) Act 2014, hears appeals from the First-tier Tribunal for Scotland, which is divided into chambers based on the subject-matter of the cases before it. In terms of section 46(3) of that Act, an appeal to the Upper Tribunal requires first the permission of the First-tier Tribunal, or, if that permission is refused, the permission of the Upper Tribunal. An appeal may be on a point of law only in terms of section 46(2) of that Act.

A Partial Business and Regulatory Impact Assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies may be obtained from the Scottish Government Social Security Directorate.