

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision as to the composition of the Social Security Chamber of the First-tier Tribunal for Scotland when dealing with appeals under specified provisions of the Social Security (Scotland) Act 2018 (“the 2018 Act”), or Regulations made under that Act which create a right of appeal. They also make provision as to the composition of the Upper Tribunal for Scotland when dealing with appeals from the Social Security Chamber.

These two Tribunals were established by the Tribunals (Scotland) Act 2014. The First-tier Tribunal is divided into chambers based on the subject-matter of the cases before it. The Social Security Chamber, as brought into being by the First-tier Tribunal for Scotland (Chambers) Amendment Regulations 2018 (S.S.I. 2018/349), is empowered to deal with appeals in relation to entitlement to assistance of the types described in Chapter 2 of Part 2 of the 2018 Act. It may have responsibility, also, for dealing with any appeals in relation to claims for top up assistance by individuals entitled to receive reserved benefits, should Regulations be made under section 79 of the 2018 Act to provide for such assistance, and including a right of appeal. And it is empowered to deal with appeals brought under section 61 of the 2018 Act against process decisions, including decisions as to whether something purporting to be an application for assistance should properly be classed as such. Members of the Tribunals can be ordinary members, legal members or judicial members according to criteria set out in the Tribunals (Scotland) Act 2014 and Regulations made under that Act. This instrument sets out which member or members may deal with the various types of social security cases before the two Tribunals.

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

**Changes to legislation:**

There are currently no known outstanding effects for the The First-tier Tribunal for Scotland Social Security Chamber and Upper Tribunal for Scotland (Composition) Regulations 2018.