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SCOTTISH STATUTORY INSTRUMENTS

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**2020 No. 97**

**TRIBUNALS AND INQUIRIES**

**The First-tier Tribunal for Scotland General Regulatory  
Chamber Parking and Bus Lane Cases and Upper  
Tribunal for Scotland (Composition) Regulations 2020**

*Made* - - - - *24th March 2020*  
*Coming into force* - - *1st April 2020*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 10(2) and (3), 38(1) and (2) and 40(1) to (5) of the Tribunals (Scotland) Act 2014(1) and all other powers enabling them to do so.

In accordance with section 11(2) of that Act, they have consulted the President of the Scottish Tribunals.

In accordance with section 79(2)(c) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

**Citation and commencement**

1. These Regulations may be cited as the First-tier Tribunal for Scotland General Regulatory Chamber Parking and Bus Lane Cases and Upper Tribunal for Scotland (Composition) Regulations 2020 and come into force on 1 April 2020.

**Commencement Information**

**II** Reg. 1 in force at 1.4.2020, see [reg. 1](#)

**Interpretation**

2. In these Regulations—

“bus lane case” means proceedings before the First-tier Tribunal when exercising functions transferred to it by regulation 3 of the First-tier Tribunal for Scotland (Transfer of Functions of Bus Lane Adjudicators) Regulations 2020(2),

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(1) 2014 asp 10.  
(2) S.S.I. 2020/96.

**Changes to legislation:** There are currently no known outstanding effects for the The First-tier Tribunal for Scotland General Regulatory Chamber Parking and Bus Lane Cases and Upper Tribunal for Scotland (Composition) Regulations 2020. (See end of Document for details)

- “Chamber President” means the Chamber President of the First-tier Tribunal,
- “First-tier Tribunal” means the First-tier Tribunal for Scotland General Regulatory Chamber(3), and
- [<sup>F1</sup>“low emission zone case” means proceedings before the First-tier Tribunal when exercising functions allocated to it by regulation 2 of the First-tier Tribunal for Scotland (Allocation of Functions to the General Regulatory Chamber) Regulations 2023(4),]
- [<sup>F2</sup>“parking case” means proceedings before the First-tier Tribunal when exercising functions —
- (a) transferred to it by regulation 3 of the First-tier Tribunal for Scotland (Transfer of Functions of Parking Adjudicators) Regulations 2020,
- (b) allocated to it by regulations 3 or 4 of the First-tier Tribunal for Scotland (Allocation of Functions to the General Regulatory Chamber) Regulations 2023.]

#### Textual Amendments

- F1** Words in [reg. 2](#) inserted (1.6.2023) by [The First-tier Tribunal for Scotland General Regulatory Chamber and Upper Tribunal for Scotland \(Composition and Rules of Procedure\) \(Miscellaneous Amendment\) Regulations 2023 \(S.S.I. 2023/159\)](#), regs. 1, **2(2)(a)**
- F2** Words in [reg. 2](#) substituted (1.6.2023) by [The First-tier Tribunal for Scotland General Regulatory Chamber and Upper Tribunal for Scotland \(Composition and Rules of Procedure\) \(Miscellaneous Amendment\) Regulations 2023 \(S.S.I. 2023/159\)](#), regs. 1, **2(2)(b)**

#### Commencement Information

- I2** Reg. 2 in force at 1.4.2020, see [reg. 1](#)

### Composition of First-tier Tribunal

**3.—(1)** The First-tier Tribunal, when convened to decide any matter in [<sup>F3</sup>a bus lane case, low emission zone case or a parking case], must consist only of a legal member.

(2) Whenever practicable, the legal member referred to in paragraph (1) must not have had any involvement in the case prior to the appeal, referral or review of the case.

#### Textual Amendments

- F3** Words in [reg. 3\(1\)](#) substituted (1.6.2023) by [The First-tier Tribunal for Scotland General Regulatory Chamber and Upper Tribunal for Scotland \(Composition and Rules of Procedure\) \(Miscellaneous Amendment\) Regulations 2023 \(S.S.I. 2023/159\)](#), regs. 1, **2(3)**

#### Commencement Information

- I3** Reg. 3 in force at 1.4.2020, see [reg. 1](#)

### Composition of Upper Tribunal

**4.—(1)** The Upper Tribunal, when convened to decide an appeal, review or referral in [<sup>F4</sup>a bus lane case, low emission zone case or a parking case], must consist of—

- (a) a member of the Upper Tribunal acting alone,

(3) The General Regulatory Chamber of the First-tier Tribunal for Scotland was brought into being by [S.S.I. 2016/341](#).

(4) [S.S.I. 2020/95](#).

- (b) the Chamber President (except a temporary Chamber President), acting alone or with a member of the Upper Tribunal,
  - (c) the President of the Scottish Tribunals, acting alone or with the Chamber President or with a member of the Upper Tribunal, or
  - (d) the Lord President, acting alone or with the Chamber President or with a member of the Upper Tribunal.
- (2) The Chamber President referred to in paragraph (1) must not have had any involvement in the case prior to the appeal, review or referral of the case to the Upper Tribunal.
- (3) For the purposes of this regulation, a member of the Upper Tribunal may be a legal member or a judicial member but may not be an ordinary member.
- (4) The authority to determine the composition of the Upper Tribunal in respect of the alternative compositions referred to in paragraph (1) is delegated to the President of the Scottish Tribunals, including determining whether a member is to be a legal member or a judicial member.
- (5) In this regulation, “judicial member” means a judge of the Court of Session or a sheriff<sup>(5)</sup>.

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**Textual Amendments**

- F4** Words in [reg. 4\(1\)](#) substituted (1.6.2023) by [The First-tier Tribunal for Scotland General Regulatory Chamber and Upper Tribunal for Scotland \(Composition and Rules of Procedure\) \(Miscellaneous Amendment\) Regulations 2023 \(S.S.I. 2023/159\)](#), regs. 1, **2(3)**
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**Commencement Information**

- I4** Reg. 4 in force at 1.4.2020, see [reg. 1](#)

St Andrew’s House,  
Edinburgh  
24th March 2020

*ASH DENHAM*  
Authorised to sign by the Scottish Ministers

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(5) A part-time sheriff is excluded from the definition of sheriff eligible to act as a member of the Upper Tribunal by virtue of section 17(2)(c) of the Tribunals (Scotland) Act 2014 ([asp 10](#)).

**Changes to legislation:** There are currently no known outstanding effects for the The First-tier Tribunal for Scotland General Regulatory Chamber Parking and Bus Lane Cases and Upper Tribunal for Scotland (Composition) Regulations 2020. (See end of Document for details)

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## EXPLANATORY NOTE

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

These Regulations make provision as to the composition of the General Regulatory Chamber of the First-tier Tribunal for Scotland when dealing with parking cases and bus lane cases. They also make provision as to the composition of the Upper Tribunal for Scotland when hearing such cases.

The First-tier Tribunal for Scotland and the Upper Tribunal for Scotland are known collectively as the Scottish Tribunals. The Scottish Tribunals were established by the Tribunals (Scotland) Act 2014. The First-tier Tribunal is divided into chambers according to the subject matter of the case, with the General Regulatory Chamber dealing with a range of diverse matters including parking cases and bus lane cases. The Tribunals (Scotland) Act 2014 provides for various membership types, i.e. ordinary members, legal members and judicial members. This instrument sets out which member or members may hear parking cases and bus lane cases before the Scottish Tribunals.

**Changes to legislation:**

There are currently no known outstanding effects for the The First-tier Tribunal for Scotland General Regulatory Chamber Parking and Bus Lane Cases and Upper Tribunal for Scotland (Composition) Regulations 2020.