
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 341

The Scottish Tribunals (Eligibility for Appointment) Amendment Regulations 2021

Amendment of the Scottish Tribunals (Eligibility for Appointment) Regulations 2015

2.—(1) The Scottish Tribunals (Eligibility for Appointment) Regulations 2015⁽¹⁾ are amended in accordance with paragraphs (2) to (5).

(2) For regulation 1(2) (interpretation), substitute—

“(2) In these Regulations—

“the Act” means the Tribunals (Scotland) Act 2014,

“RICS” means the Royal Institution of Chartered Surveyors or any successor body.”.

(3) In regulation 3(5) (eligibility for appointment as an ordinary member of the First-tier Tribunal for Scotland (housing, property or surveying experience)), for “the Royal Institution of Chartered Surveyors (“RICS”)” substitute “RICS”.

(4) After regulation 3D (eligibility for appointment as an ordinary member of the First-tier Tribunal for Scotland (disability experience)) insert—

“Eligibility for appointment as an ordinary member of the First-tier Tribunal for Scotland (valuation experience)

3E.—(1) A person is eligible for appointment as an ordinary member of the First-tier Tribunal for Scotland if the person—

- (a) has knowledge of a valuation area, and
- (b) has substantial experience of the valuation of domestic or non-domestic properties.

(2) In this regulation—

(a) “substantial experience of the valuation of domestic or non-domestic properties” means either—

(i) demonstrable knowledge and understanding of relevant valuation matters, whether obtained in a business, trade, charity or not-for-profit organisation, profession or academia (but such experience does not count as relevant experience where a person is a former member of professional body, board or academic institution if the person has been debarred from that body, board or institution or has been subject to any sanction that would have led to such debarment had the person not ceased to belong to it), or

(ii) at least 3 years’ experience regularly sitting as a member of a valuation appeals committee constituted under section 29(1) of the Local Government etc. (Scotland) Act 1994⁽²⁾,

(1) S.S.I. 2015/381, relevantly amended by S.S.I. 2017/274 and S.S.I. 2018/276.

(2) 1994 c. 39.

- (b) “a valuation area” has the meaning given in section 27(1) of the Local Government etc. (Scotland) Act 1994,
- (c) “regularly” means at least 4 times per year.

Eligibility for appointment as an ordinary member of the First-tier Tribunal for Scotland (surveyor rating experience)

3F.—(1) A person is eligible for appointment as an ordinary member of the First-tier Tribunal for Scotland if the person—

- (a) is, or has within the last 5 years been, a member or fellow of RICS, and
- (b) has substantial experience as a surveyor in rating matters.

(2) In this regulation, “substantial experience as a surveyor in rating matters” means at least 5 years’ experience as a member or fellow of RICS in matters relating to valuation for rating, but such experience does not count as relevant experience where a person is a former member or fellow of RICS, if the person has been debarred from RICS or if the person has been subject to any sanction that would have led to such debarment had the person not ceased to belong to RICS.”.

(5) After regulation 5 (eligibility for appointment as a legal member of the Upper Tribunal for Scotland) insert—

“Eligibility for appointment as an ordinary member of the Upper Tribunal for Scotland (surveyor experience)

6. A person is eligible for appointment as an ordinary member of the Upper Tribunal for Scotland if the person —

- (a) is a member or fellow of RICS, and
- (b) has at least 10 years’ experience as such a member or fellow in matters relating to valuation for rating.”.