

POLICY NOTE

THE FIRST-TIER TRIBUNAL FOR SCOTLAND LOCAL TAXATION CHAMBER (RULES OF PROCEDURE) REGULATIONS 2022

SSI 2022/364

1. The above instrument was made in exercise of the powers conferred by sections 41(1) and 43(3)(b) and paragraph 4(2) of schedule 9 of the Tribunals (Scotland) Act 2014 (“the 2014 Act”). The instrument is subject to negative procedure.
2. In accordance with paragraph 4(3) of schedule 9 of that Act, the Scottish Ministers have consulted the President of the Scottish Tribunals in respect of these Regulations, as well as the Lord President as an appropriate person under paragraph 4(3)(b) of that Schedule.

Policy Objectives

Purpose of the Instrument:

The purpose of the instrument is to make provision for the rules of procedure which are to apply in the Local Taxation Chamber of the First-tier Tribunal. The rules of procedure are set out in the first schedule of this instrument.

The 2014 Act created a new structure for tribunals dealing with devolved matters. It provided for a First-tier Tribunal for Scotland (“First-tier Tribunal”), to be divided into chambers dependent on the subject matter of the case before it.

3. The First-tier Tribunal and the Upper Tribunal for Scotland (“Upper Tribunal”) were established by the 2014 Act. The First-tier Tribunal is organised into chambers according to, among other things, the different subject matters falling within the Tribunal's jurisdiction. The Upper Tribunal will in due course be organised into divisions. The 2014 Act also allows the Scottish Ministers to transfer the functions of tribunals listed in schedule 1 of that Act to the Scottish Tribunals.
4. These regulations make provision for the rules of procedure which are to apply in the Local Taxation Chamber (“the LTC”) of the First-tier Tribunal when hearing appeals under the Valuation Acts, council tax appeals, appeals against a determination of an application for council tax reduction, and penalty notice appeals under the Non-Domestic Rates Act 2020 Act. The relevant functions relating to these appeals, currently exercised by Valuation Appeals Committees (“VACs”) and the Council Tax Reduction Review Panel (“CTRRP”) are to be transferred to the First-tier Tribunal by way of regulations which are being laid concurrently with these regulations (the First-tier Tribunal for Scotland (Transfer of Functions of Valuation Appeals Committees) Regulations 2023 and the First-tier Tribunal for Scotland (Transfer of Functions of the Council Tax Reduction Review Panel) Regulations 2023).

5. The transfer in to the First-tier Tribunal of the functions of these bodies has provided an opportunity to bring together, so far as appropriate, the rules of procedure of the VACs and the CTRRP. Accordingly, this instrument sets down one set of rules for the LTC which will cover all cases which would have gone to the VACs or the CTRRP. However, due to the nature of these appeals, the instrument contains bespoke rules, as well as general rules, which relate to the specific functions the LTC will exercise.

6. Appeals of decisions of the LTC in relation to non-domestic rates matters will continue to be to the Lands Valuation Appeal Court post-transfer. Appeals in relation to an LTC decision on a council tax case, which currently go to the Court of Session on a point of law only, will after transfer be made to the Upper Tribunal, subject to the 2014 Act.

7. Fuller details of the policy objectives relating to the 2014 Act are described in the Policy Memorandum which accompanied the Tribunals Bill. The link below shows the passage of the Bill through Parliament and includes the Policy Memorandum.

<http://www.scottish.parliament.uk/parliamentarybusiness/Bills/62938.aspx>

Consultation

8. A consultation with interested parties took place between 20 September and 28 November 2021. There were 13 responses to this consultation. 11 respondents gave permission to publish their responses, which are available on the Scottish Government website:

[Published responses for Local taxation - Valuation Appeals Committees etc: transfer of functions - Scottish Government - Citizen Space \(consult.gov.scot\)](#)

Impact Assessments and Financial Effects

9. An Equality Impact Assessment (“EQIA”) has already been completed for the Tribunals (Scotland) Bill – see link below:

[Tribunals \(Scotland\) Bill - Equality Impact Assessment - Results \(webarchive.org.uk\)](#)

10. The Bill EQIA made a number of Key Findings:

- The operation of the tribunal jurisdictions transferring into the new structure will not be affected.
- Tribunal users will not be affected directly by the Bill provisions.
- Tribunals distinctiveness will be protected.
- Tribunal members will not be adversely affected and their independence will be enhanced.

11. Given the conclusions set out in the Bill EQIA, a separate Equality Impact Assessment is not considered necessary for these regulations.

12. A Business and Regulatory Impact Assessment has been completed and is attached. The impact on the Scottish Government is minimal. The impact of this policy on the Scottish Legal Aid Board is minimal.

13. A Data Protection Impact Assessment was not considered to be required for these regulations. The transfer will involve a change in data controller, but no change to the data to be processed. A consultation with the Information Commissioner's Office took place in November 2022. The ICO confirmed that no further engagement was required at this point in time.

14. A Child Rights and Wellbeing Impact Assessment was not considered necessary as there are no children's impact issues arising.

**Scottish Government
Justice Directorate**

December 2022