Summary in relation to LTS

1. LTS is does not have the character of an administrative tribunal. The policy aims in the field of administrative justice of providing an appellate tribunal (Upper Tribunal), and of securing independence from central and local government departments, do not apply to LTS.

2. LTS does not comfortably fit into the proposed unified tribunal structure. The proposals cause problems in relation to appeals, particularly in the important field of valuation for rating.

3. Inclusion of LTS in the unified tribunal structure would require a good deal of disapplication/separate/different provision. I also fear a gradual dilution of LTS’s specialism without any discernible benefit to LTS’s users.

4. Appropriate reforms, rationalisation, etc. of the administration of LTS can be achieved by building on the work already started by Scottish Tribunals Service without inclusion in unified tribunal structure.

5. Rather than as part of the consideration of administrative justice, any changes in relation to LTS’s various jurisdictions should be considered in the context of resolution of disputes about property law and land valuation issues in courts as well as LTS and other tribunals.

General

6. The lack of provision for ‘overriding objectives’, encouragement of alternative dispute resolution, etc. appears a missed opportunity.

7. It appears to be a technical problem in the Bill’s structure that tribunals, including LTS, receive the benefits of this Bill only if, and only when (in some cases apparently far in the future) they are brought into the unified tribunal structure.

John Wright QC
29 August 2013