Justice Committee

Tribunals (Scotland) Bill

Written submission from the Traffic Commissioner for Scotland

I refer to the call for written evidence.

I have an interest in this Bill in that currently I appoint the Parking Adjudicators for Scotland (with consent of the Lord Advocate) and my Office through VOSA provides the administrative support through the medium of the Scottish Parking Appeals Service. I engaged in the many consultations which have led to the Bill and I can tell that many of the points I made in those consultations have been heeded.

I have two points to make in this final consultation. This bill serves to give any person aggrieved by the issue of a parking penalty (or bus lane penalty) a further right of appeal to a higher Tribunal and also to the Court of Session. At present the right of appeal is to a parking adjudicator with a provision for review by another parking adjudicator and that is it. If an appellant wishes further redress the only possible route would be judicial review.

I wonder if the Committee would wish to distinguish the right to challenge a parking ticket and the parking adjudication jurisdiction from the subject areas of the other tribunals which will be brought within the compass of the envisaged Act. Can I put it this way – “it is only a parking ticket” - it is not the loss of liberty, home, charitable status, right to special education. Does the Committee want to escalate a grievance about a parking ticket all the way through the Upper Tribunal and Court of Session?

I only wish to pose the question but I do so for resources for the justice system are not infinite and must be proportionate. The answer is for the Committee and Parliament.

My second point is to stress the need for tribunals and the Upper Tribunal to remain as specialist tribunals. In my own role I am a specialist jurisdiction (road haulage, road passenger transport) and appeals are to the (GB) Upper Tribunal. A concern is the risk of dilution of expertise in the Upper Tribunal and wrong decisions. The virtues of a generic tribunal service are in shared services and training opportunities. Whether any given tribunal member can move freely between the different jurisdictions is a very different matter.

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