Justice Committee

Scottish Tribunals (Listed Tribunals) Regulations 2017
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Justice Committee

Remit: To consider and report on matters falling within the responsibility of the Cabinet Secretary for Justice.

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### Committee Membership

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<tr>
<th>Convener</th>
<th>Deputy Convener</th>
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<tr>
<td>Liam McArthur</td>
<td>Rona Mackay</td>
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<tr>
<td>Mairi Evans</td>
<td>Mary Fee</td>
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<td>John Finnie</td>
<td>Ben Macpherson</td>
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<td>Liam McArthur</td>
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<td>Oliver Mundell</td>
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<td>Stewart Stevenson</td>
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*Scottish Liberal and Unionist Party, Scottish National Party, Scottish Conservative and Unionist Party, Scottish Green Party, Scottish Labour*
Introduction

1. At its meeting on 14 March 2017 the Committee considered the following instrument—

Scottish Tribunals (Listed Tribunals) Regulations 2017 [draft]

2. The instrument was referred to the Justice Committee as lead committee and was subject to affirmative resolution. The Minister for Community Safety and Legal Affairs, Annabelle Ewing, attended the meeting to give evidence on the instrument and also to move the relevant motion recommending approval of the instrument\(^1\).

Scottish Tribunals (Listed Tribunals) Regulations 2017

3. The instrument is made under section 27(2) of the Tribunals (Scotland) Act 2014. The Regulations will remove the Crofting Commission and its functions from the tribunals listed in schedule 1 of the Tribunals (Scotland) Act 2014.

Scrutiny by the Delegated Powers and Law Reform Committee

4. The Delegated Powers and Law Reform Committee considered the draft instrument at its meeting on 21 February 2017 and agreed that it did not need to draw it to the attention of the Parliament on any grounds within its remit.

Justice Committee consideration

5. The Justice Committee considered the draft instrument at its meeting on 14 March 2017 when Annabelle Ewing, Minister for Community Safety and Legal Affairs, attended to give evidence on the instrument.

6. The Minister told the Committee that the Crofting Commission had been included in the list of tribunals in schedule 1 to the Tribunals (Scotland) Act 2014 (the 2014 Act) because that list had been taken from a report by the Administrative Justice and Tribunals Council (AJTC), which was required to keep the administrative justice system under review. The AJTC was abolished in 2013. Ms Ewing explained that, because the 2014 Act does not include provision for a statutory body to have a supervisory role over the Scottish tribunals, and that the Crofting Commission is not a tribunal in the true sense of the word, it is considered appropriate to remove the Crofting Commission from the list of tribunals in schedule 1.
7. Ms Ewing assured the Committee that the Regulations should make no difference to the daily workings of the Crofting Commission and that its relationship with the Land Court would remain substantially unaltered. She also confirmed that future crofting legislation would be likely to include debate around the issue of the right of appeal.

8. The Minister moved the motion in her name: S5M-04152—That the Justice Committee recommends that the Scottish Tribunals (Listed Tribunals) Regulations [draft] be approved.

9. The motion was agreed to without debate or dissent.

10. The Justice Committee recommends to the Parliament that it approve the draft instrument.

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