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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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Scottish National Party

Introduction

1. At its meeting on 27 September 2016 the Committee considered the following instruments—

First-tier Tribunal for Scotland (Transfer of Functions of the Private Rented Housing Panel) Regulations 2016 [draft];

First-tier Tribunal for Scotland (Transfer of Functions of the Homeowner Housing Panel) Regulations 2016 [draft];

First-tier Tribunal for Scotland Housing and Property Chamber and Upper Tribunal for Scotland (Composition) Regulations 2016 [draft];

Scottish Tribunals (Offences in Relation to Proceedings) Regulations 2016 [draft];

First-tier Tribunal for Scotland (Chambers) Regulations 2016 [draft];

First-tier Tribunal for Scotland (Transfer of Functions of the Homeowner Housing Committees) Regulations 2016 [draft];

First-tier Tribunal for Scotland (Transfer of Functions of the Private Rented Housing Committees) Regulations 2016 [draft];

2. The instruments were referred to the Justice Committee as lead committee and were subject to affirmative procedure. The Minister for Community Safety and Legal Affairs, Annabelle Ewing, attended the meeting to give evidence on the instruments and also to move the relevant motions recommending approval of the instruments¹.

First-tier Tribunal for Scotland (Transfer of Functions of the Private Rented Housing Panel) Regulations 2016 [draft]

3. This instrument is made under sections 20(2), 28(2) and 79(1) and paragraph 1(1) of schedule 2 of the Tribunals (Scotland) Act 2014 (the 2014 Act). The Regulations make provision for the transfer to the First-tier Tribunal for Scotland of the functions and members of the private rented housing panel.

First-tier Tribunal for Scotland (Transfer of Functions of the Homeowner Housing Panel) Regulations 2016 [draft]

4. This instrument is made under sections 20(2) and 28(2) and 79(1) and paragraph 1(1) of schedule 2 of the Tribunals (Scotland) Act 2014 (the 2014 Act). The Regulations make provision for the transfer into the First-tier Tribunal for Scotland of the functions and members of the Homeowner Housing Panel.

First-tier Tribunal for Scotland Housing and Property Chamber and Upper Tribunal for Scotland (Composition) Regulations 2016 [draft]

5. This instrument is made under sections 38 (1) and 40(1) of the Tribunals (Scotland) Act 2014 (the 2014 Act). In accordance with section 11(2) of the 2014 Act the President of Tribunals has been consulted. The Regulations make provision as to the composition of the First-tier Tribunal for Scotland when dealing with a case in the Housing and Property Chamber. They also make provision as to the composition of the Upper Tribunal for Scotland when hearing appeals or referrals from the First-tier Tribunal for Scotland Housing and Property Chamber.

Scottish Tribunals (Offences in Relation to Proceedings) Regulations 2016 [draft]

6. This instrument is made under section 67(1) of the Tribunals (Scotland) Act 2014 (the 2014 Act). In accordance with section 67(3) of the 2014 Act the Lord President has approved these regulations. The Regulations create offences in proceedings before the Scottish Tribunals.

First-tier Tribunal for Scotland (Chambers) Regulations 2016 [draft]

7. This instrument is made under section 20(2) of the Tribunals (Scotland) Act 2014. The Regulations divide the First-tier Tribunal for Scotland into the following five chambers: the Mental Health Chamber; the Housing and Property Chamber; the Health and Education Chamber; the General Regulatory Chamber; and the Tax Chamber.

First-tier Tribunal for Scotland (Transfer of Functions of the Homeowner Housing Committees) Regulations 2016 [draft]

8. This instrument is made under sections 20(2), 28(2) and 79(1) of the Tribunals (Scotland) Act 2014 (the 2014 Act). The Regulations make provision for the transfer to the First-tier Tribunal for Scotland of the functions of the Homeowner Housing Committees.

First-tier Tribunal for Scotland (Transfer of Functions of the Private Rented Housing Committees) Regulations 2016 [draft]

9. This instrument is made under sections 20(2), 28(2) and 79(1) of the Tribunals (Scotland) Act 2014 (the 2014 Act). The Regulations make provision for the transfer to the First-tier Tribunal for Scotland of the functions of the Private Rented Housing Committees.

Scrutiny by the Delegated Powers and Law Reform Committee

10. The Delegated Powers and Law Reform Committee considered these instruments at its meeting 13 September 2016 and agreed that it did not need to draw them to the attention of the Parliament on any grounds within its remit.

Justice Committee consideration

11. The Justice Committee considered the draft instruments at its meeting on 27 September 2016, when Annabelle Ewing, Minister for Community Safety and Legal Affairs attended to give evidence on the instruments
12. Ms Ewing explained that this suite of fairly technical regulations will set up the initial structure of the Scottish tribunals system and will transfer in the first of its jurisdictions.
13. There being no questions for the Minister from members, Ms Ewing moved the motions lodged in the name of the Cabinet Secretary for Justice, Michael Matheson—

S5M-01516—That the Justice Committee recommends that the First-tier Tribunal for Scotland (Transfer of Functions of the Private Rented Housing Panel) Regulations 2016 [draft] be approved.

S5M-01517—That the Justice Committee recommends that the First-tier Tribunal for Scotland (Transfer of Functions of the Homeowner Housing Panel) Regulations 2016 [draft] be approved.

S5M-01518—That the Justice Committee recommends that the First-tier Tribunal for Scotland Housing and Property Chamber and Upper Tribunal for Scotland (Composition) Regulations 2016 [draft] be approved.

S5M-01519—That the Justice Committee recommends that the Scottish Tribunals (Offences in Relation to Proceedings) Regulations 2016 [draft] be approved.

S5M-01523—That the Justice Committee recommends that the First-tier Tribunal for Scotland (Chambers) Regulations 2016 [draft] be approved.

S5M-01524—That the Justice Committee recommends that the First-tier Tribunal for Scotland (Transfer of Functions of the Homeowner Housing Committees) Regulations 2016 [draft] be approved.

S5M-01525—That the Justice Committee recommends that the First-tier Tribunal for Scotland (Transfer of Functions of the Private Rented Housing Committees) Regulations 2016 [draft] be approved.

14. The motions were agreed to.

Recommendation

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

¹ Scottish Parliament Justice Committee. *Official Report 27 September 2016* Cols 1-5. Available at: <http://www.parliament.scot/parliamentarybusiness/report.aspx?r=10543>

