



The Scottish Parliament
Pàrlamaid na h-Alba

Published 21st March 2017

SP Paper 111

5th Report, 2017 (Session 5)

Web

Justice Committee

Scottish Tribunals (Listed Tribunals) Regulations 2017



Published in Scotland by the Scottish Parliamentary Corporate Body.

All documents are available on the Scottish
Parliament website at:
www.scottish.parliament.uk/documents

For information on the Scottish Parliament
contact Public Information on:

Telephone: 0131 348 5000
Textphone: 0800 092 7100
Email: sp.info@scottish.parliament.uk

© Parliamentary copyright. Scottish Parliamentary Corporate Body

The Scottish Parliament's copyright policy can be found on the website –
www.scottish.parliament.uk

Contents

Introduction	1
Scottish Tribunals (Listed Tribunals) Regulations 2017	1
Scrutiny by the Delegated Powers and Law Reform Committee	1
Justice Committee consideration	1

Justice Committee

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



parliament.scot/justice-committee



justicecommittee@parliament.scot



0131 348 5047



Follow the Justice Committee @SP_Justice

Committee Membership



Convener
Margaret Mitchell
Scottish Conservative
and Unionist Party



Deputy Convener
Rona Mackay
Scottish National Party



Mairi Evans
Scottish National Party



Mary Fee
Scottish Labour



John Finnie
Scottish Green Party



Ben Macpherson
Scottish National Party



Liam McArthur
Scottish Liberal
Democrats



Fulton MacGregor
Scottish National Party



Oliver Mundell
Scottish Conservative
and Unionist Party



Douglas Ross
Scottish Conservative
and Unionist Party



Stewart Stevenson
Scottish National Party

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 instrument¹.

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.

¹ Scottish Parliament Justice Committee. *Official Report 14 March 2017* Cols 2-4. Available at: <http://www.parliament.scot/parliamentarybusiness/report.aspx?r=10839&mode=pdf>

