



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Equalities, Human Rights and Civil Justice Committee

**Tuesday 6 September 2022**

**Session 6**



The Scottish Parliament  
Pàrlamaid na h-Alba

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**EQUALITIES, HUMAN RIGHTS AND CIVIL JUSTICE COMMITTEE**  
**22<sup>nd</sup> Meeting 2022, Session 6**

**CONVENER**

\*Joe FitzPatrick (Dundee City West) (SNP)

**DEPUTY CONVENER**

\*Maggie Chapman (North East Scotland) (Green)

**COMMITTEE MEMBERS**

\*Karen Adam (Banffshire and Buchan Coast) (SNP)

\*Pam Duncan-Glancy (Glasgow) (Lab)

\*Pam Gosal (West Scotland) (Con)

\*Rachael Hamilton (Etrick, Roxburgh and Berwickshire) (Con)

\*Fulton MacGregor (Coatbridge and Chryston) (SNP)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Ash Regan (Minister for Community Safety)

**LOCATION**

The James Clerk Maxwell Room (CR4)



# Scottish Parliament

## Equalities, Human Rights and Civil Justice Committee

Tuesday 6 September 2022

[The Convener opened the meeting at 10:00]

### Subordinate Legislation

#### Scottish Tribunals (Listed Tribunals) Regulations 2022 [Draft]

**The Convener (Joe FitzPatrick):** Welcome to the 22nd meeting in 2022 of the Equalities, Human Rights and Civil Justice Committee. We have received no apologies for the meeting.

Our first agenda item is consideration of an affirmative instrument. I welcome Ash Regan, the Minister for Community Safety, who is accompanied by Scottish Government officials Lisa Davidson, civil justice senior policy officer, and Martin Brown, solicitor in the Scottish Government legal directorate. You are all very welcome.

I refer members to paper 1 and invite the minister to speak to the draft Scottish Tribunal (Listed Tribunals) Regulations 2022.

**The Minister for Community Safety (Ash Regan):** Thank you, convener, and good morning. As the convener said, the committee has before it the draft Scottish Tribunals (Listed Tribunals) Regulations 2022. This is a relatively straightforward set of regulations that amends the Tribunals (Scotland) Act 2014 to insert the Council Tax Reduction Review Panel in the list of tribunals that can be found in schedule 1.

The 2014 act created a new, simplified statutory framework for tribunals in Scotland by establishing the Scottish tribunals, bringing together existing tribunal jurisdictions and providing a structure for any new jurisdictions.

The valuation appeal committees, the Council Tax Reduction Review Panel and certain functions of the Lands Tribunal for Scotland are to be transferred into the Scottish tribunals on 1 January 2023. Schedule 1 to the 2014 act sets out the bodies that may transfer into the First-tier Tribunal for Scotland. Although the valuation appeal committees are listed in that provision, the Council Tax Reduction Review Panel is not. The regulations rectify that.

I understand that the Delegated Powers and Law Reform Committee considered the regulations on 7 June and that it raised no points

relating to them, but I would be happy to answer any questions that the committee may have.

**The Convener:** Thank you, minister. As there are no questions or comments, we move on to agenda item 2, which is formal consideration of the motion to approve this affirmative instrument. I invite the minister to move motion S6M-04747.

*Motion moved,*

That the Equalities, Human Rights and Civil Justice Committee recommends that the Scottish Tribunals (Listed Tribunals) Regulations 2022 [draft] be approved.—[Ash Regan]

*Motion agreed to.*

**The Convener:** I invite the committee to agree to delegate to me the publication of a short, factual report on our deliberations on the affirmative Scottish statutory instrument that we have considered today. Is that also agreed?

**Members indicated agreement.**

**The Convener:** That concludes consideration of the affirmative instrument. I thank the minister and her officials for attending.

#### Gender Recognition (Marriage and Civil Partnership Registration) (Scotland) Amendment Regulations 2022 (SSI 2022/201)

#### Gender Recognition (Marriage and Civil Partnership Registration) (Modification) (Scotland) Amendment Order 2022 (SSI 2022/202)

**The Convener:** The next agenda item is consideration of two negative instruments. I refer members to paper 2. Do members have any comments on the instruments?

**Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** I just want to ask why the amendment needs to be made. That was not quite clear in the detail of our papers. Can anyone present answer that?

**The Convener:** These are negative instruments, which are accompanied by documents. The paper, which was circulated last Friday, includes the procedures around the instruments, the policy note and the policy objectives. I guess that the procedure is that if anyone questions a negative instrument, it is for that member, or any member of the Parliament, to lodge a motion to annul.

**Rachael Hamilton:** I will not be doing that; I just wanted a bit more detail. It is fine. I can see the policy note; it just is not clear to me why we are doing this.

**Maggie Chapman (North East Scotland) (Green):** By way, I hope, of helpful explanation, at the moment only one person in a couple can get a gender recognition certificate. This will enable both to get GRCs.

**Rachael Hamilton:** Thank you, Maggie. That confirms what I was reading in the policy note; I just needed some reassurance that my interpretation was correct.

**The Convener:** For the future, when folk have questions or points for clarification, if they get them to the clerks at an earlier stage, the clerks can raise them with the Government and get an answer. The Scottish Parliament information centre can help us with that as well.

Are you content, Rachael?

**Rachael Hamilton:** Yes, thank you.

**The Convener:** For further clarity, you obviously could contact Government yourself to get that information now. The committee will just note that these instruments are going through, and they will then go to the chamber.

That being the case, I confirm that members are content formally not to make any comments to the Parliament on the instruments.

That concludes consideration of the SSIs. We move into private session for the final items on our agenda.

10:05

*Meeting continued in private until 13:25.*

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