

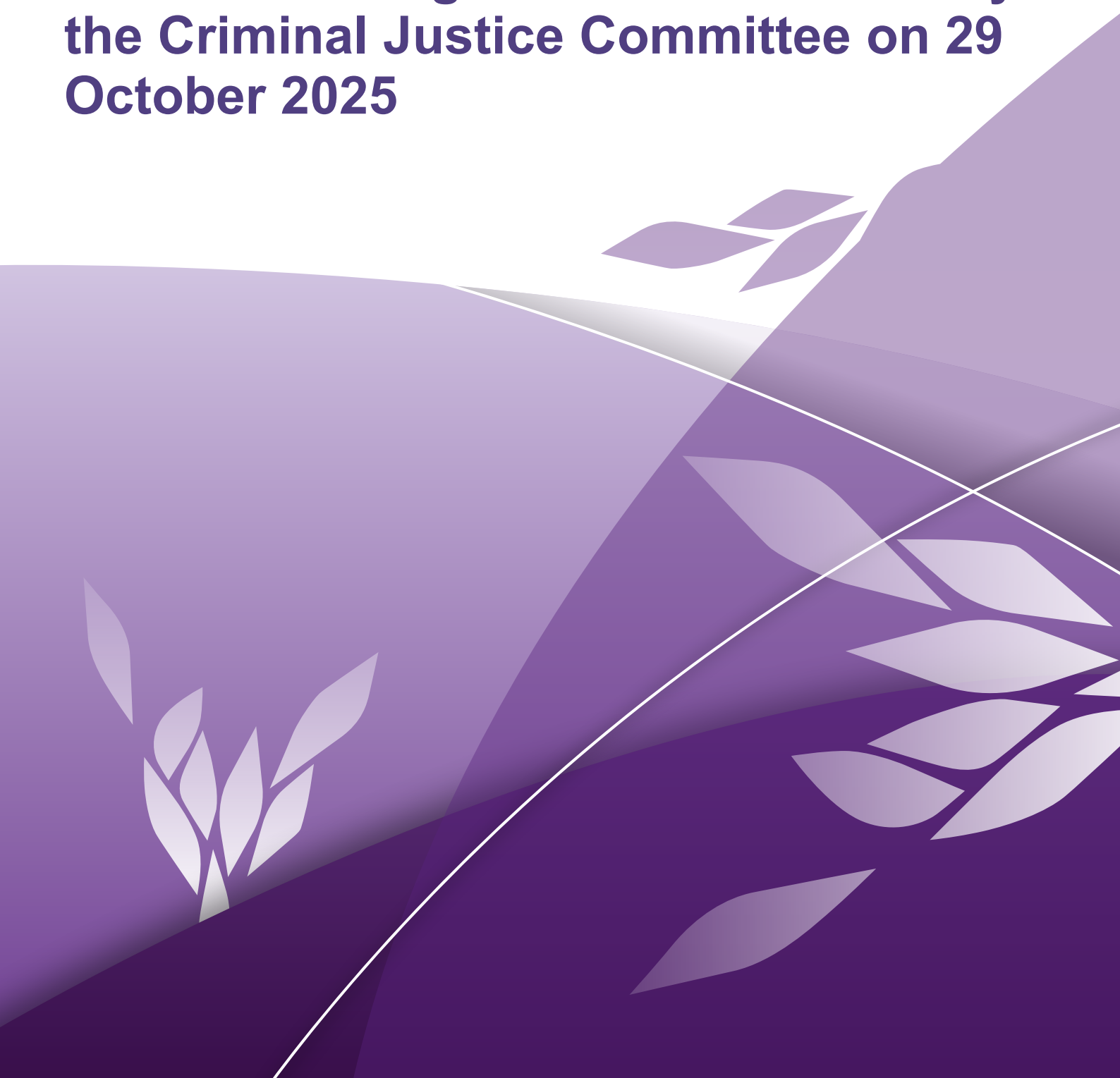


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Criminal Justice Committee

Subordinate legislation considered by the Criminal Justice Committee on 29 October 2025



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Criminal Justice Committee

To consider and report on matters relating to criminal justice falling within the responsibility of the Cabinet Secretary for Justice and Home Affairs, and functions of the Lord Advocate other than as head of the systems of criminal prosecution and investigation of deaths in Scotland.

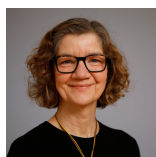


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Introduction

1. At its meeting on 29 October 2025, the Criminal Justice Committee considered the following package of affirmative instruments:
 - [The First-tier Tribunal for Scotland \(Transfer of Functions and Members of the Police Appeals Tribunal\) Regulations 2025 \[draft\]](#)
 - [The First-tier Tribunal for Scotland General Regulatory Chamber \(Police Appeals\) \(Procedure\) Regulations 2025 \[draft\]](#)
 - [The First-tier Tribunal for Scotland General Regulatory Chamber Police Appeals and Upper Tribunal for Scotland \(Composition\) Regulations 2025 \[draft\]](#)

The First-tier Tribunal for Scotland (Transfer of Functions and Members of the Police Appeals Tribunal) Regulations 2025 [draft]

2. The First-tier Tribunal for Scotland (Transfer of Functions and Members of the Police Appeals Tribunal) Regulations 2025 [draft] were laid before the Scottish Parliament on 17 September 2025 and referred to the Criminal Justice Committee.
3. The purpose of the instrument is to make provision for the transfer of the functions and members of the Police Appeals Tribunal to the General Regulatory Chamber of the First-tier Tribunal for Scotland.
4. The First-tier Tribunal was established by section 1 of the 2014 Act. It is organised into chambers according to the different subject-matters falling within the Tribunal's jurisdiction. The First-tier Tribunal General Regulatory Chamber will hear cases previously dealt with by the Police Appeals Tribunal.
5. The instrument sets out transitional provisions to manage the transfer of ongoing casework. The instrument also makes consequential amendments to relevant policing legislation.

The First-tier Tribunal for Scotland General Regulatory Chamber (Police Appeals) (Procedure) Regulations 2025 [draft]

6. The First-tier Tribunal for Scotland General Regulatory Chamber (Police Appeals) (Procedure) Regulations 2025 [draft] were laid before the Scottish Parliament on 17 September 2025 and referred to the Criminal Justice Committee.
7. The purpose of the instrument is to make provision for rules regarding the practice and procedure to be followed in the First-tier Tribunal for Scotland General Regulatory Chamber when hearing Police Appeals Cases.
8. The rules of procedure are set out in the schedule of the Regulations.

The First-tier Tribunal for Scotland General Regulatory Chamber Police Appeals and Upper Tribunal for Scotland (Composition) Regulations 2025 [draft]

9. The First-tier Tribunal for Scotland General Regulatory Chamber Police Appeals and Upper Tribunal for Scotland (Composition) Regulations 2025 [draft] were laid before the Scottish Parliament on 17 September 2025 and referred to the Criminal Justice Committee.
10. These Regulations make provision as to the composition of the First-tier Tribunal for Scotland when dealing with police appeals in the General Regulatory Chamber. They also make provision as to the composition of the Upper Tribunal for Scotland when hearing police appeals.
11. These two tribunals were established by the Tribunals (Scotland) Act 2014. The First-tier Tribunal is divided into chambers according to the subject matter of the case, with the General Regulatory Chamber hearing a range of diverse matters which will include police appeals. Members of the tribunals can be legal members or judicial members in accordance with criteria set out in the Tribunals (Scotland) Act 2014 and regulations made under that Act. This instrument sets out which member or members may hear police appeals in the two tribunals.

Consideration by the Delegated Powers and Law Reform Committee

12. The DPLR Committee considered the instruments at its meeting on 30 September 2025 and reported on them in its [68th Report, 2025](#). The DPLR Committee made no recommendations in relation to the SSIs.

Consideration by the Criminal Justice Committee

13. Motions S6M-18945, S6M-18946 and S6M-19179 were lodged proposing that the Committee recommends approval of the instruments. The Committee took oral evidence from Angela Constance MSP, Cabinet Secretary for Justice and Home Affairs ("the Cabinet Secretary") and Scottish Government officials, at its meeting on Wednesday 29 October 2025.
14. During the evidence session, the Cabinet Secretary outlined the purpose of the package of instruments to the Committee.
15. In response to questions around waiting times for police appeal tribunals, Alastair Thomson, Senior Tribunals Policy Officer, Scottish Government told the Committee that the transfer of administration of these tribunals from the Scottish Police Authority to the Scottish Courts and Tribunals Service should not have any effect on waiting times. He also advised that police appeals tribunal is a very low-volume jurisdiction and that since 2013, only 22 appeals have made it to the police appeals tribunal with the average being less than two appeals per year.
16. In addition, Mr Thomson confirmed that members of the Upper Tribunal will have suitable expertise to deal with these cases. He told the Committee that they tend to be sheriffs and senators of the Court of Session so will have expertise in public administrative law, dealing with judicial reviews etc.
17. There being no further questions, the Cabinet Secretary moved the motions:
 - S6M-18945—That the Criminal Justice Committee recommends that the First-tier Tribunal for Scotland General Regulatory Chamber (Police Appeals) (Procedure) Regulations 2025 [draft] be approved.
 - S6M-18946—That the Criminal Justice Committee recommends that the First-tier Tribunal for Scotland General Regulatory Chamber Police Appeals and Upper Tribunal for Scotland (Composition) Regulations 2025 [draft] be approved.
 - S6M-19179— That the Criminal Justice Committee recommends that the First-tier Tribunal for Scotland (Transfer of Functions and Members of the Police Appeals Tribunal) Regulations 2025 [draft] be approved.
18. Motions S6M-18945, S6M-18946 and S6M-19179 were agreed to without debate or dissent.

19. **The Criminal Justice Committee recommends to the Scottish Parliament that it approve the the First-tier Tribunal for Scotland General Regulatory Chamber (Police Appeals) (Procedure) Regulations 2025 [draft], the First-tier Tribunal for Scotland General Regulatory Chamber Police Appeals and Upper Tribunal for Scotland (Composition) Regulations 2025 [draft] and the First-tier Tribunal for Scotland (Transfer of Functions and Members of the**

Police Appeals Tribunal) Regulations 2025 [draft].

