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Criminal Justice Committee

The First-tier Tribunal for Scotland (Transfer of Functions and Members of the Police Appeals Tribunal) Amendment Regulations 2026 [draft]



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Email: info@parliament.scot

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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 functions of the Lord Advocate other than as head of the systems of criminal prosecution and investigation of deaths in Scotland



criminaljustice.committee@parliament.scot

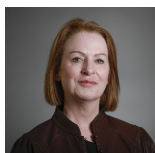
Committee Membership



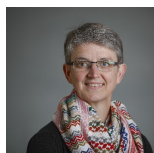
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Scottish National Party



Deputy Convener
Ben Macpherson
Scottish National Party



Amanda Bland
Reform UK



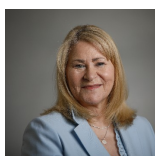
Maggie Chapman
Scottish Green Party



Stephen Kerr
Scottish Conservative
and Unionist Party



Marie McNair
Scottish National Party



Pauline McNeill
Scottish Labour

Introduction

1. The First-tier Tribunal for Scotland (Transfer of Functions and Members of the Police Appeals Tribunal) Amendment Regulations 2026 [draft] were laid before the Scottish Parliament by the Scottish Government on 17 September 2026. They are subject to the affirmative procedure, which means they cannot be made unless they have been approved by a resolution of the Parliament.
2. As lead committee, it is for the Criminal Justice Committee to decide whether or not to recommend approval.

About the instrument

3. These Regulations make a consequential amendment (of Regulationsⁱ made in 2025 that modify the [Police and Fire Reform \(Scotland\) Act 2012](#)) to ensure that a new right of appeal for senior police officers introduced by the [Police \(Ethics, Conduct and Scrutiny\) \(Scotland\) Act 2025](#) operates as intended following the transfer of the functions of the Police Appeals Tribunal to the First-tier Tribunal for Scotland and the subsequent abolition of the Police Appeals Tribunal. Without this amendment, the new appeal right would refer to the Police Appeals Tribunal, which no longer exists, rather than the First-tier Tribunal for Scotland.
4. The new right of appeal is being brought into force through the [Police \(Ethics, Conduct and Scrutiny\) \(Scotland\) Act 2025 \(Commencement No. 2 and Transitional Provision\) Regulations 2026](#)ⁱⁱ.
5. Together, these instruments implement provisions already approved by the Scottish Parliament through the [Police \(Ethics, Conduct and Scrutiny\) \(Scotland\) Act 2025](#).

ⁱ The First-tier Tribunal for Scotland (Transfer of Functions and Members of the Police Appeals Tribunal) Regulations 2025.

ⁱⁱ These commencement regulations have been laid before the Parliament but are not subject to any Parliamentary procedure and have not been directly scrutinised by the Committee.

Consideration by the DPLR Committee

6. The Delegated Powers and Law Reform (DPLR) Committee is required to consider every instrument laid before the Parliament and decide whether to draw it to the attention of the Parliament on any of the “reporting grounds” set out in Rule 10.3 of the Parliament’s standing orders.
7. The DPLR Committee considered the instrument on 29 September 2026 and reported on it in its [8th Report, 2026](#). The DPLR Committee made no recommendations in relation to the instrument.

Consideration by the Criminal Justice Committee

8. At its meeting on 7 October, the Criminal Justice Committee took evidence on the instrument from Neil Gray, Cabinet Secretary for Justice.
9. The official report of the meeting on 7 October will be available on the [Committee's website soon](#).
10. Following the conclusion of evidence taking, the Cabinet Secretary moved motion S7M-01279 in his name—

That the Criminal Justice Committee recommends that the First-tier Tribunal for Scotland (Transfer of Functions and Members of the Police Appeals Tribunal) Amendment Regulations 2026 [draft] be approved.

11. During the debate on the instrument, Stephen Kerr indicated that he supported the instrument as a consequential amendment insofar as it ensures that the appeals process operates correctly. He stressed, however, that this should not be taken as approval of wider police conduct arrangements, about which he has substantial concerns. The Cabinet Secretary responded, indicating that he had written to the Member about these concerns and would return to these issues with the Committee in due courseⁱⁱⁱ.

ⁱⁱⁱ The [Police Service of Scotland \(Conduct\) Amendment Regulations 2026](#) (SSI 2026/276) and the [Police Service of Scotland \(Senior Officers\) \(Conduct\) Amendment Regulations 2026](#) (SSI 2026/277) were laid before the Parliament on 1 October 2026 and will be considered by the Criminal Justice Committee shortly.

Conclusion

12. After debate, the motion was agreed to without division.

13. The Criminal Justice Committee recommends that the First-tier Tribunal for Scotland (Transfer of Functions and Members of the Police Appeals Tribunal) Amendment Regulations 2026 [draft] be approved.

