

Citizen Participation and Public Petitions Committee
Wednesday 26 November 2025
18th Meeting, 2025 (Session 6)

PE2180: Review the procedures and case progress timelines for the First-tier Tribunal for Scotland

Introduction

Petitioner David Sinclair Aiton

Petition summary Calling on the Scottish Parliament to urge the Scottish Government to urgently review the current guidelines for the First-tier Tribunal Scotland, Housing and Property Chamber, and introduce case progress and hearing timelines.

Webpage <https://petitions.parliament.scot/petitions/PE2180>

1. This is a new petition that was lodged on 3 September 2025.
2. A full summary of this petition and its aims can be found at **Annexe A**.
3. A SPICe briefing has been prepared to inform the Committee's consideration of the petition and can be found at **Annexe B**.
4. Every petition collects signatures while it remains under consideration. At the time of writing, 541 signatures have been received on this petition.
5. The Committee seeks views from the Scottish Government on all new petitions before they are formally considered.
6. The Committee has received submissions from the Scottish Government and the petitioner, which are set out in **Annexe C** of this paper.

Action

7. The Committee is invited to consider what action it wishes to take.

Clerks to the Committee
November 2025

Annexe A: Summary of petition

PE2180: Review the procedures and case progress timelines for the First-tier Tribunal for Scotland

Petitioner

David Sinclair Aiton

Date Lodged

3 September 2025

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to urgently review the current guidelines for the First-tier Tribunal Scotland, Housing and Property Chamber, and introduce case progress and hearing timelines.

Background information

The First-tier Tribunal Scotland, Housing and Property Chamber adjudicates on a range of private housing matters, including eviction order and rent arrears applications lodged by landlord applicants or their representatives. The Tribunal considers eviction requests in relation to both Scottish Government private residential tenancy agreements and historical short assured / assured tenancy agreements.

At present, there are no prescribed time periods regarding how long it will take for an eviction order application, lodged by a landlord applicant, to be listed for an initial case management discussion/hearing. The frustratingly protracted and timeless nature of the process is contrary to Article 6 of the ECHR (i.e. right to a public hearing within a reasonable time) and causes applicants extreme levels of anxiety, financial hardship and ill health. The majority of landlord applicants only own one rental property and these adverse impacts require them to repossession their sole rental properties.

Annexe B: SPICe briefing on PE2180

Brief overview of issues raised by the petition

The petition relates to the procedures used by the First-tier Tribunal for Scotland, Housing and Property Chamber (“the First-tier Tribunal”) in relation to eviction order applications made by landlords in the private rented sector.

The petition argues that the lack of prescribed time periods for dealing with such applications breaches Article 6 of the European Convention on Human Rights on the “right to a fair trial” and leads to anxiety, financial hardship and ill health for applicants.

The petition states:

“At present, there are no prescribed time periods regarding how long it will take for an eviction order application, lodged by a landlord applicant, to be listed for an initial case management discussion/hearing. The frustratingly protracted and timeless nature of the process is contrary to Article 6 of the ECHR (i.e. right to a public hearing within a reasonable time) and causes applicants extreme levels of anxiety, financial hardship and ill health. The majority of landlord applicants only own one rental property and these adverse impacts require them to repossess their sole rental properties.”

Eviction order applications at the First-tier Tribunal

The [First-tier Tribunal for Scotland \(Housing and Property Chamber\)](#) is the body that hears eviction cases for private rented tenancies in Scotland.

While a range of tenancies exist, the most common tenancy is the [private residential tenancy](#) which was introduced by the [Private Housing \(Tenancies\) \(Scotland\) Act 2016](#) (“2016 Act”).

Unless tenants agree to leave, landlords can only end a private residential tenancy on the basis of one of [the 18 grounds for eviction](#) and by following the correct procedures and notice periods (in particular serving the tenant with a valid “[notice to leave](#)”).

If the tenant does not move out by the date in the notice to leave, it is necessary for the landlord to apply for [an eviction order from the First-tier Tribunal](#). The tribunal will then consider whether one of the grounds for eviction has been met. These grounds are discretionary which means that the tribunal must consider whether it is reasonable to issue an eviction order, even if the ground is proven (Schedule 3 of the 2016 Act).

The procedures at the First-tier Tribunal are governed by the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure (“the Rules of Procedure”) which are a schedule to the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended.

The Rules of Procedure include various references to procedural steps which need to be taken within certain timeframes; for example, in relation to the lodging of documents for hearings and notice periods for hearings (Rules 22-24).

However, the Rules of Procedure do not require the First-tier Tribunal to convene a case management discussion or, following that, a hearing within a certain period following an application for an eviction order.

The timeframe for case management discussions and hearings will therefore depend on decisions on prioritisation by the First-tier Tribunal and the general capacity of the tribunal to deal with cases which come before it (both in terms of the volume of cases, staff/tribunal member numbers and the procedures used by the tribunal).

[The most recent annual report from the First-tier Tribunal \(2023-4\)](#) notes that there has been an increase in the volume of cases which the First-tier Tribunal has to deal with. It states that:

“A total of 5078 applications were received during the reporting year. This was a 10% increase on the level of applications received in 2022-23, resulting in the highest annual volume of applications received to date.”

[In response to a parliamentary question by Jackson Carlaw MSP \(question S6W-37778\), the Scottish Courts and Tribunals Service \(“SCTS”\) stated on 13 June 2025 that the average timescale for an eviction case to be heard by the First-tier Tribunal is slightly more than six months.](#) The response states:

“Over the period 01 April 2024 to 31 May 2025, the average timescale for an application that is submitted by a private landlord to evict a tenant to be heard (first hearing) at the First-tier Tribunal for Scotland, Housing and Property Chamber is 191.62 days, which equates to 27.4 calendar weeks. This average timescale is derived from 1563 applications submitted during the aforementioned dates and includes statutorily required periods to allow for participants to respond.”

The response by the SCTS also highlights that each application received by the First-tier Tribunal goes through a three-stage process, namely:

- **The initial check on receipt of the application** to assess whether the application complies with the prescribed requirements. The response stresses that “applications often fail to meet the prescribed requirements” but that the tribunal takes an enabling approach and rather than returning applications which are defective:

“instead engages in correspondence with the applicant, explaining the information required or additional documents needed. If after a reminder for information, the applicant has still not provided the information sought (normally at least several weeks after the application was received), the application will be rejected.”

- **The sifting stage**, which involves an assessment by the legal member of the tribunal whether the application is so fundamentally flawed that it has no

prospect of success and should be rejected. The response notes that this is a “high bar” and that, in 2023- 24, 11% of all applications disposed of were rejected either because they did not meet this test or did not meet the prescribed requirements.

- **The scheduling stage**, where the case is assigned to the next available hearing date and tribunal members are allocated to the case. The SCTS’s response explains that the SCTS is:

“ ... constantly looking for ways to ensure that the scheduling process is as efficient and effective as possible, in the light of increasingly caseloads across the Scottish Tribunals. This includes reallocating resources within the administration to target areas of greatest pressure. In the case of the Housing and Property Chamber, the total number of applications received has increased considerably and are at their highest ever volume. The ability to schedule timeously depends heavily on the availability of Tribunal members, all of whom are fee-paid and part-time. The Judicial Appointments Board for Scotland is currently conducting a recruitment round to increase the pool of legal members from which Tribunal panels can be drawn.”

A recent article in the Scotsman by Paul Forrester-Smith (Senior Associate, Turcan Connell) entitled “[Eviction isn’t as simple as perhaps it could be](#)” argues that “even for the most straightforward tenancy-related applications to the Tribunal, the matter is unlikely to get to an initial case management hearing for at least 6 months”. It also argues that this is:

“a reflection of the pressures the Tribunal system faces in processing and progressing the volume of applications lodged. Even when the matter does reach a hearing there can be no guarantee that in any particular circumstances the Tribunal will allow a landlord to recover possession. The net result is months of uncertainty and potentially great expense for both landlords and tenants.”

Parliamentary consideration

There would not appear to have been specific consideration of the First-tier Tribunal’s workload during this parliamentary session.

However, during Stage 1 evidence on the recent [Housing \(Scotland\) Bill](#) (which contains provisions on evictions and will also place further responsibilities on the First-tier tribunal), the Local Government, Housing and Planning Committee heard some evidence about the pressure on the First-tier tribunal’s resources and that the tribunal was taking steps to increase its resources (see [paras 206 to 213 of the Stage 1 Report](#)). The Committee concluded that:

“With additional resources, efforts should be made to reduce the time it takes for the Tribunal hearings to take place. Reducing delays to the conclusion of cases will be to the benefit of both landlords and tenants.”

Article 6 of the European Convention on Human Rights

Article 6 of the European Convention on Human Rights (“ECHR”) states that:

“in the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.”

[As a result of the Human Rights Act 1998, it is unlawful for public bodies to breach someone's rights under the ECHR.](#)

[The Council of Europe has published a guide on the civil law aspects of Article 6](#) (updated to 28 February 2025). The guide includes a discussion of the “reasonable time” aspect of Article 6 of the ECHR and notes that the criteria for assessing this are as follows:

“554. The reasonableness of the length of proceedings must be assessed in the light of the circumstances of the case and in accordance with the following criteria: the complexity of the case, the conduct of the applicant and of the relevant authorities and what was at stake for the applicant in the dispute.”

Angus Evans, Kate Berry
Senior Researchers
30 September 2025

The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at spice@parliament.scot

Every effort is made to ensure that the information contained in petition briefings is correct at the time of publication. Readers should be aware however that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

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Annexe C: Written submissions

Scottish Government written submission, 6 October 2025

PE2180/A: Review the procedures and case progress timelines for the First-tier Tribunal for Scotland

Does the Scottish Government consider the specific ask of the petition to be practical or achievable?

The ask is achievable in part but not practical.

Firstly, regarding the “reviewing the current guidelines” element of the petition, Scottish Government have interpreted this reference to be “reviewing the current guidance”. This element of the petition is not achievable as Scottish Ministers are not responsible for reviewing the current guidance within Scottish Tribunals including the First-tier Tribunal Scotland, Housing and Property Chamber (‘the Chamber’). The Lord President is responsible for making and maintaining appropriate arrangements for the training and guidance under section 34(1) of the Tribunals (Scotland) Act 2014 (‘the 2014 Act’) including as it relates to the Chamber.

It should also be noted that the administration of the Chamber is a matter for the Scottish Courts and Tribunals Service (‘SCTS’) and is entirely independent of the Scottish Government. This is because the independence of the courts and tribunals is a cornerstone of a democratic society and a safeguard for the freedom and rights of the citizen under the rule of law.

Secondly, regarding “introducing case progress and hearing timelines” this is achievable and could be done via primary legislation or secondary legislation. The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (‘the 2017 Regulations’) contains rules which regulate the practice and procedure of the Chamber. Amendments to these rules could be made by Scottish Ministers under paragraph 9 of Schedule 9 of the 2014 Act. Paragraph 4(3) of Schedule 9 requires Scottish Ministers to consult the President of Tribunals and such other persons as they consider appropriate. Introducing “case progress and hearing timelines” in primary or secondary legislation would require consultation and comes with cost and resource implications.

However, amending the 2017 Regulations or taking forward primary legislation is not a practical solution to address the issue of wait times. This is because Rule 2 of the 2017 Regulations already includes an overriding objective that the Chamber is to deal with the proceedings “justly”. Rule 2 of the 2017 Regulations includes “avoiding delay, so far as compatible with the proper consideration of the issues”. This balances ‘avoiding delaying’ with ‘proper consideration of the issues’. Depending on the facts, circumstances, and volume of tribunal business it is not practical to place a statutory time limit on ‘proper consideration of the issues’. The Chamber President and the Chamber are already under an obligation to manage the proceedings in accordance with the overarching objective.

Although not practical to “introducing case progress and hearing timelines” steps have and are being taken by the Scottish Government in conjunction with SCTS to address the underlying practical reasons for wait times and this is set out below.

What, if any, action the Scottish Government is currently taking to address the issues raised by this petition, and is any further action being considered that will achieve the ask of this petition?

Scottish Government officials are engaging with SCTS on practical issues in respect of wait times generally. The Chamber assures Scottish Government officials that they are working to ensure that applications are processed timeously. The Chamber explains to parties how each case will be conducted; they advise that applications are dealt with in date order and the Chamber can be contacted by a party to the case and an updated provided.

Recently, SCTS advised that the principal reason wait times have increased is due to an increase in caseload volumes of applications received by the Chamber. Scottish Government officials have an ongoing dialogue with SCTS about case numbers, staffing needs and associated costs, to inform funding of the Chamber. SCTS continuously seek to improve the scheduling process to ensure hearings are arranged efficiently, particularly in the context of rising caseloads across the Scottish Tribunals. SCTS advise that resource allocation within the administration of the Chamber is regularly reviewed to prioritise areas under greatest pressure however, scheduling capacity is heavily dependent on the availability of tribunal members.

The Judicial Appointments Board for Scotland (‘JABS’) is responsible for recommending the appointment of Tribunal Members under section 9 of the Judiciary and Courts (Scotland) Act 2008. In August 2025, following recommendations from the JABS, Scottish Ministers agreed to their recommendation and appointed additional members to the First-tier Tribunal for Scotland. These appointments will provide the Housing and Property Chamber with additional Legal Members. SCTS advise that a larger pool of legal members will positively enhance the overall scheduling capacity. Scottish Government officials are continuing to work with the Judicial Office for Scotland and JABS officials on further recruitment priorities. The issue of availability of tribunal members will continue to be monitored by SCTS, Judicial Office for Scotland and Scottish Government further to Scottish Ministers’ recent additional appointments.

Is there any further information the Scottish Government wish to bring to the Committee’s attention, which would assist it in considering this petition?

Complaints about court and tribunals are managed by the SCTS. Information about complaints about the Housing and Property Chamber can be found at [Feedback and Complaints | Housing and Property Chamber](#) and the service can be contacted at either HPCAdmin@scotcourtribunals.gov.uk or enquiries@scotcourts.gov.uk.

The Scottish Government understands that the Chamber is receiving a high volume of applications and correspondence which is resulting in longer than usual waiting times. Scottish Government understand from SCTS that when an application is received the administration will process the application, and the case will go to a sifting stage with a legal member. At this stage the legal member will make a

decision to either reject the application, request further information, or alternatively refer the case for a case management discussion or a full hearing. When a case is referred to a case management discussion or a hearing, the scheduling team will schedule accordingly and the parties will have a minimum of 14 days' notice of the hearing date.

Tribunals Policy, Civil Law and Legal System Division

Petitioner written submission, 15 November 2025

PE2180/B: Review the procedures and case progress timelines for the First-tier Tribunal for Scotland

The Scottish Government acknowledges that the ask is achievable. I would respectfully recommend that the proposed review is fully achievable and merited, from democratic and judicial fairness perspectives. The suggestion of impracticality is without merit.

The option of ministerial intervention

The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 contain rules which regulate the practice and procedure of the Chamber. Amendments to these rules can be made by Scottish Ministers under paragraph 9 of Schedule 9 of the 2014 Act: the Tribunals (Scotland) Act. The requirement, in that regard, is for Scottish Ministers to consult the President of Tribunals and such other persons as they consider appropriate.

Waiting times versus expedited hearings

Reference is made in the Scottish Government's submission to wait times in respect of First-tier Tribunal Hearings. This is deemed to be attributable to the ever-increasing case load which the system has to manage and process. However, this is only one aspect of the systemic problems which prevail, and are preventing full accordance with Article 6 of the European Convention on Human Rights (ECHR) and the right of tribunal applicants to be availed of the opportunity of a hearing within a reasonable period.

The desirability and judicial fairness of expedited hearings is a matter which merits necessary and due attention. The increasingly protracted delays associated with the current system, however, are clearly discordant with Article 6. They are causing relevant parties, landlords and tenants, acute stress, anxiety, and adverse financial and psychological consequences.

Unlike Sheriff Court Hearings, however, there is clearly no defined and delineated opportunity, within the tribunal rules, for an applicant or respondent to seek an expedited hearing on the basis of a relevant cause, such as significant financial hardship, serious illness, protection of life or property, or to prevent crime and potential loss of life or debilitating injuries. I respectfully propose that a relevant new tribunal rule be introduced, whereby applicants can specifically request an expedited, fast track hearing.

Case Examples

The following are examples of recent actual cases, whereby landlord applicants have suffered, or are experiencing, particular hardship and stress as a result of the protracted and disadvantageous nature of the current system.

Significant financial hardship (e.g. 6 months plus rent arrears), whereby the landlord is suffering serious indebtedness and the associated consequences, such as possible bankruptcy.

In this particular case, the tenant, although working, has steadfastly refused to pay rent for 6 months. There are now substantial rent arrears and the landlord is struggling to cope with the accrued debt of circa £10,000. Despite the latter's increasingly stressful and difficult financial situation, the Tribunal have refused his request for an early hearing.

Serious illness or medical circumstances, whereby the landlord or a close family member has a seriously debilitating health condition, negating their ability to manage the relevant rental property.

One case example concerned an elderly landlord with a serious, degenerative eye disease. The eviction process took approximately one year. During that unnecessarily protracted period the applicant's health suffered significantly.

Serious criminal and/or anti-social behaviour contact on the part of the tenant(s)

There are also tenancies whereby the tenants have committed serious offences at the properties and caused significant injuries to the unfortunate victims. The current legislation, however, no longer specifies such criminality and anti-social behaviour as a mandatory ground for eviction. There is also no scope, within the Tribunal Rules, to seek an expedited eviction hearing, despite the disclosed public safety issues and prevention of serious harm requirements.

Urgent necessity on the part of the landlord to repossess and reoccupy their property due to an adverse and unplanned change in their circumstances

In one particular case the landlord rented out her property and subsequently moved to stay with her partner, who owned his own house. An irretrievable breakdown in the relationship, however, meant that the landlord in question had to urgently re-locate back to her own property. The tenant, however, refused to move out and remains in situ. The landlord has had to initiate formal eviction proceedings. Her repeated submissions to the First-tier Tribunal, requesting an accelerated process, because of the associated risks to her psychological risks to her health and that of her children, have been consistently rejected. In another similar case, the landlord applicant has had to move into a hostel for the homeless, as she is unable to repossess her own property.

Rule 18: Power to determine the proceedings without a hearing

This rule allows the First-tier Tribunal to make a decision without a hearing if it considers that, having regard to such facts as are not disputed by the parties, it is able to make sufficient findings to determine the case. Rule 18(2) states that the

First-tier Tribunal must consider any written representations submitted by the parties, prior to making a decision.

I am aware of a number of cases, whereby there is no dispute between the landlord applicant and the tenant respondent regarding the eviction. The tenants, however, have been advised, by the local council housing officers to remain in situ until an eviction order is granted. The latter have indicated that only then will tenants be provided with council accommodation. The costs associated with hearings, in terms of administration and expenses for tribunal panel members, could be saved if a revised Rule 18 was fully applied.

I respectfully suggest that the wording of Rule 18 be slightly amended to include and emphasise a provision for decisions about the granting of eviction orders.