

Paper 7.1

Discussion paper - Smith Commission proposals 'Scotland in the United Kingdom: an enduring settlement'

1. On 22 January 2015, the UK Government published '*Scotland in the United Kingdom: An Enduring Settlement*¹', a paper setting out how it intends to implement the Smith Commission's proposals, including draft bill clauses. **Chapter 6** of the paper explains how the proposals on tribunals are to be implemented and **draft clause 25** sets out the proposed primary legislation that will be required.

The paper and draft clauses can be accessed via the link in the footnote below (the full paper runs to 134 pages)

2. The proposals raise significant questions and issues for the operation of tribunals in Scotland, some of which are set out in the blog that Tom Mullen and Chris Gill have written for the UKAJI website (UK Administrative Justice Institute) – attached as **appendix A**. Members of the Committee may have further observations.

3. At our meeting on 25 February it is intended to discuss the following:

- Should STAJAC submit its thoughts on the draft clauses to the Scotland Office (as per the request in paragraph 9.4.3 of the 'An Enduring Settlement' paper)?
- If so, could and should we do so in cooperation with others (for example the Law Society's Administrative Law Committee)?
- What further questions and issues – in particular when thinking of implications for users from the proposals- have members identified?

4. . After this initial discussion, and subject to the Committee's views on whether and how to cooperate with others, it is proposed that a paper be drafted for a next STAJAC meeting (29 April or 17 June) which, if agreed, can then be submitted to the Scotland Office.

¹https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/397079/Scotland_Enduring_Settlement_acc.pdf