

# **TRIBUNALS (SCOTLAND) ACT IMPLEMENTATION PROJECT**

## **SUMMARY OF WORK STREAMS**

The following work streams will support the Tribunals Act implementation project. All work streams will report to the Project Board.

### **LEGISLATION WORK STREAM**

The legislation work stream will be responsible for commencing the provisions of the Tribunals (Scotland) Act to enable the creation of the structure, the leadership provisions to be put in place, the transfer of functions and members, the new appointments system to be established and new arrangements for rules to be made. This work stream will draft all policy instructions, make arrangements for consultation on all draft regulations and support the Minister during Committee appearances.

### **JUDICIAL GOVERNANCE WORK STREAM**

The judicial governance work stream will be responsible for putting in place policies and procedures for judicial leadership, management, assignment, guidance, welfare, training, complaints and conduct. They will consider how the judiciary will interact with the new support structure created by the merger of the Scottish Courts and Tribunals Service. They will also consider arrangements for the Acts of Sederunt provisions within the Tribunals Act and timing of the transfer of Rule-making provisions to the Scottish Civil Justice Council.

### **APPOINTMENTS WORK STREAM**

In conjunction with the Judicial Appointments Board for Scotland, the appointments work stream will be responsible for ensuring that the new procedures for tribunal appointments are in place and appointments relating to the new housing tribunals are undertaken prior to 1 December 2016.

### **RULES WORK STREAM**

The Rules work stream will develop and agree new procedural rules for the First-tier and Upper Tribunals. They will also consider amendments required to existing housing rules and be consulted upon new rules for the new jurisdictions created by the Housing Bill.

### **JUDICIAL ROLE EVALUATION WORK STREAM**

The Judicial Role Evaluation work stream will be responsible for commissioning an independent evaluation of judicial posts within the new tribunal structure and reviewing existing terms and conditions related to tribunal members with a view to standardising. They will consider the findings of the evaluation and make recommendations to Ministers.

## Project Approach

Implementation will be taken forward in a phased programme.

**Phase 1** will see the creation of the new structure and the transferring-in of the first jurisdictions.

To achieve this a number of orders and regulations (around 13) have to be drafted and consulted upon. For example, some very detailed work will have to be undertaken to produce tribunal rules for the Upper Tribunal; and the transfer-in of the first jurisdictions will involve careful handling to ensure that they can continue to operate smoothly within the new structure. Much of the secondary legislation is by affirmative procedure which requires Parliamentary time, which means it is likely that Phase 1 will take around 2 years to achieve. Current assumptions are that the new structure will be in place at the latest by 1 December 2016 with the first of the tribunals transferring-in at that time.

It is likely the first Chamber created will be a Housing Chamber [name to be suggested by the Project Board] which will be occupied by the Private Rented Housing Panel, the Home Owner Housing Panel and the new jurisdictions created by the Housing (Scotland) Bill. Thereafter, jurisdictions will be transferred-in one at a time and current predictions are that each transfer will take around 6-8 months to effect. The transfer of the new Tax tribunals created by the Revenue Scotland and Tax Powers Bill are to be included in this phase.

The likely order tribunals will transfer-in to the First-tier Tribunal in **Phase 2** is: the Mental Health Tribunal for Scotland; the Additional Support Needs Tribunals for Scotland and the Scottish Charity Appeals Panel. This will be followed by the Lands Tribunal for Scotland which will occupy a Chamber in the Upper Tribunal. Taking approximately 6-8 months each, these transfers should be completed by August 2019. The exact order of transfer has still to be determined and will be for the Project Board to suggest and confirm, consulting the relevant judicial heads

The other tribunals listed in the Act such as, the Crofting Commission, Education Appeal Committees, NHS tribunals, Parking Adjudicators, Police Appeals Tribunals and Valuation Appeals Committees will come in at **Phase 3** (not given in order of transfer).

The following diagram shows the indicative timescale for implementation. It is given for illustrative purposes only, based on the maximum time of 8 months needed to transfer each jurisdiction. As this work progresses any potential to bring transfers forward will become clearer.

