
SCOTTISH STATUTORY INSTRUMENTS

2018 No. 343

TRIBUNALS AND INQUIRIES

**The First-tier Tribunal for Scotland Social Security Chamber
(Rules of Procedure) Amendment Regulations 2018**

Made - - - - 7th November 2018
Laid before the Scottish
Parliament - - - - 9th November 2018
Coming into force - - 21st December 2018

The Scottish Ministers make the following Regulations in exercise of the powers conferred by paragraph 4(2) of schedule 9 of the Tribunals (Scotland) Act 2014⁽¹⁾ and all other powers enabling them to do so.

In accordance with paragraph 4(3) of schedule 9 of that Act, the Scottish Ministers have consulted the President of the Scottish Tribunals and such other persons as they considered appropriate.

Citation and commencement

1. These Regulations may be cited as the First-tier Tribunal for Scotland Social Security Chamber (Rules of Procedure) Amendment Regulations 2018 and come into force on 21 December 2018.

Amendment of the First-tier Tribunal for Scotland Social Security Chamber (Procedure) Regulations 2018

2.—(1) The rules in the schedule of the First-tier Tribunal for Scotland Social Security Chamber (Procedure) Regulations 2018⁽²⁾ are amended in accordance with paragraphs (2) to (9).

- (2) In rule 1(1) (interpretation) for “Convention Rights” substitute “Convention rights”.
- (3) In rule 2(2)(a) (overriding objective) for “transparent,” substitute “transparent and which are”.
- (4) In rule 9 (representatives) for paragraph (3) substitute—
 - “(3) Where the First-tier Tribunal receives notice of the appointment of a representative—
 - (a) it must provide to the representative—

(1) 2014 asp 10.
(2) S.S.I. 2018/273.

- (i) any document which it requires under these Rules to provide to the represented party on or after the day on which it receives the notice, in addition to providing the document to the represented party, and
 - (ii) any document which it required under these Rules to provide to the represented party prior to the day on which it receives the notice; and
 - (b) it may assume that the representative remains appointed unless it receives written notification that this is not so from the representative or represented party.”.
- (5) In rule 21 (response of the decision maker to a notice of appeal against a determination of entitlement) for paragraph (5) substitute—
- “(5) The First-tier Tribunal must provide the appellant with a copy of the decision-maker’s response and any documents accompanying that response which have not already been supplied to the appellant.”.
- (6) In rule 22(4)(g) (notice of appeal against a process decision) for “Scottish Ministers” substitute “First-tier Tribunal”.
- (7) In rule 29(1)(b) (reasons for decisions) after “reasons” insert “or a written summary of a decision, which is to be issued”.
- (8) In rule 33(2)(c) (application for permission to appeal against a decision of the First-tier Tribunal) for “party” substitute “person”.
- (9) In rule 35 (review of a decision)—
- (a) in paragraph (1) omit “(except an excluded decision)” and at the end insert “(unless it is an excluded decision or a process decision)”,
 - (b) in paragraph (5) for “(7)” substitute “(4)”,
 - (c) in paragraph (7) for “under paragraph (4)” substitute “carried out in accordance with paragraph (5)”, and
 - (d) in paragraph (8) for “A review” substitute “An application for a review”.

St Andrew’s House, Edinburgh
7th November 2018

SHIRLEY-ANNE SOMERVILLE
A member of the Scottish Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to the First-tier Tribunal for Scotland Social Security Chamber (Procedure) Regulations 2018 (“the principal Regulations”).

Regulation 2 makes corrections and clarifications to the schedule which sets out the First-tier Tribunal for Scotland Social Security Chamber Rules of Procedure.

A Partial Business and Regulatory Impact Assessment was prepared in respect of the package of Regulations of which the principal Regulations formed part. These Regulations do not alter the outcome of that assessment. Accordingly, no further assessment is required.