

**Consultation on draft regulations transferring the Parking and Bus lane Adjudicators for Scotland to the Scottish Tribunals.**

**Section 1: CONSULTATION ON ADDING BUS LANE ADJUDICATORS TO SCHEDULE 1 OF THE TRIBUNALS (SCOTLAND) ACT 2014**

The Parking Adjudicators are already included in the list of tribunals in Schedule 1 of the Tribunals (Scotland) Act 2014. We intend through this regulation to add Bus Lane Adjudicators to the list so that the two bodies may be transferred into the Scottish Tribunals at the same time.

**Q1. Do you have any comments on the addition of the Bus Lane adjudicators to the list of tribunals in Schedule 1 of the Tribunal (Scotland) Act 2014?**

We do not see any issue with this change and can't envisage that it would impact on our organisation or how we operate.

**Section 2: CONSULTATION ON DRAFT REGULATIONS TRANSFERRING THE FUNCTIONS AND MEMBERS OF THE PARKING AND BUS LANE ADJUDICATORS TO THE SCOTTISH TRIBUNALS.**

**Q1. Do you have any comments on the draft regulations relating to the transfer of functions of the Parking and Bus Lane Appeals to the First-tier Tribunal?**

We do not see any issue with this change and can't envisage that it would impact on our organisation or how we operate.

**Q2. Are you content with the provisions relating to the transfer of members to the First-tier Tribunal?**

Yes

No

**3. Do you have any other comments regarding the transitional and savings provisions, consequential amendments, repeals or revocations?**

None

**Q4. Do you have any further comments you wish to make?**

We have nothing additional to add to this section.

### **Section 3: CONSULTATION ON DRAFT REGULATIONS THAT SET OUT THE RULES OF PROCEDURE FOR THE FIRST-TIER TRIBUNAL FOR SCOTLAND GENERAL REGULATORY CHAMBER**

#### **Q1. Do you have any specific comments on the draft regulations on the First-tier General Regulatory Chamber Parking and Bus Lane Adjudicators Rules of Procedure?**

We do not see any issue with this change and can't envisage that it would impact on our organisation or how we operate.

#### **2. In Rule 11(3) "disposing of an appeal without a hearing" we have included provision that unless both parties consent to the disposal taking place on an earlier date, the First Tier Tribunal must not decide an appeal without a hearing until after 28 days. As telephone hearings and a new IT system may considerably speed up the process. Do you believe:**

- This provision be deleted;
- The time period should be shortened
- or should we retain this provision in full.

#### **3. Do you have any comments to make about the new powers to strike out a case in specific circumstances?**

It has not been made clear in the consultation document what type of cases would be eligible to be struck off in this way. We would need clarity on the specific circumstances that could result in a case being struck in order to provide a more detailed response.

#### **4. Currently the adjudicators decide on whether there should be a review of a case and if so, carry out that review. Do you think this process should continue at this level or should this power now fall within the remit of the new Chamber President?**

- the process should continue at this level
- this power should now fall within the remit of the new Chamber President

#### **5. Do you have any further comments?**

With regards to question 2 in this section. We felt that a time period would still be necessary to allow a case to progress or not be called. For example, if one party never submits their evidence would the case be left waiting. A reasonable time period would ensure it is clear that cases will not be progressed if evidence is not provided within a reasonable amount of time.

## **Section 4. DRAFT REGULATIONS SETTING OUT COMPOSITION OF THE FIRST-TIER TRIBUNAL FOR SCOTLAND GENERAL REGULATORY CHAMBER AND UPPER TRIBUNAL FOR SCOTLAND**

### Background

Sections 38 and 40 of the 2014 Act allow the Scottish Ministers, by regulation, to determine the composition of the First-Tier and Upper Tribunals.

The draft regulations in Annex D apply to the composition of members when hearing cases within the First Tier Tribunal General Regulatory Chamber to the Upper Tribunal.

The policy intention is for the First-tier tribunal to mirror current arrangements whereby a single legal member will hear the appeal. If an Upper Tribunal is to be convened on a point of law then the composition of the tribunal panel will mirror the composition options set out in the 2014 Act. The President of the Tribunals will determine how the Upper Tribunal should be composed on a case by case basis.

### **Q1. Do you have any comments on the proposals regarding the composition of the First Tier Tribunal Parking and Bus Lane Adjudicator Tribunal within the General Regulatory Chamber?**

We do not see any issue with this change and can't envisage that it would impact on our organisation or how we operate.

### **Q2. Do you have any comments on the proposals regarding the composition of the Upper Tribunal when hearing appeals from the General Regulatory Chamber?**

We do not see any issue with this change and can't envisage that it would impact on our organisation or how we operate.

### **Q3. Do you have any other comments you wish to make?**

No