

2007 No. 436

TRIBUNALS AND INQUIRIES

**The Administrative Justice and Tribunals Council
(Listed Tribunals) (Scotland) Order 2007**

Made - - - - - *19th September 2007*

Laid before the Scottish Parliament *21st September 2007*

Coming into force - - - *1st November 2007*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 49(3) of, and paragraphs 25(2), (3)(a)(ii) and (4) and 26 of Schedule 7 to, the Tribunals, Courts and Enforcement Act 2007(a) and all other powers enabling them to do so.

Citation, commencement and extent

1.—(1) This Order may be cited as the Administrative Justice and Tribunals Council (Listed Tribunals) (Scotland) Order 2007 and comes into force on 1st November 2007.

(2) This Order extends to Scotland only.

Listed tribunals

2. The tribunals specified in the Schedule to this Order are listed tribunals for the purposes of Schedule 7 to the Tribunals, Courts and Enforcement Act 2007.

FERGUS EWING

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
19th September 2007

SCHEDULE

Article 2

Listed tribunals

Arbiters (appointed otherwise than by agreement) under section 63 of, and Schedule 7 to, the Agricultural Holdings (Scotland) Act 1991 (c.55)(a).

Any Scottish Charity Appeals Panel constituted in accordance with section 75(1) of, and schedule 2 to, the Charities and Trustee Investment (Scotland) Act 2005 (asp 10).

The Crofters Commission established by section 1 of the Crofters (Scotland) Act 1955 (c.21) and continued in being by section 1 of the Crofters (Scotland) Act 1993 (c.44), in respect of its non-executive functions.

Additional Support Needs Tribunals for Scotland constituted in accordance with section 17(1) of, and schedule 1 to, the Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4).

Appeal committees set up under section 28D of the Education (Scotland) Act 1980 (c.44)(b).

Committees appointed as respects Scotland in accordance with section 27 of the Forestry Act 1967 (c.10).

The Lands Tribunal for Scotland constituted under section 1(1)(a) of the Lands Tribunal Act 1949 (c.42).

The Mental Health Tribunal for Scotland constituted under section 21 of, and schedule 2 to, the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13).

Any tribunal for Scotland constituted in accordance with section 14 of, and Part 1 of Schedule 3 to, the Misuse of Drugs Act 1971 (c.38).

Health Boards and joint committees of those Boards constituted in accordance with section 2 of, and Schedule 1 to, the National Health Service (Scotland) Act 1978 (c.29), in respect of their non-executive functions.

The tribunal constituted in accordance with section 29 of, and Schedule 8 to, the National Health Service (Scotland) Act 1978 (c.29).

Discipline committees of a Health Board or a joint committee of Health Boards, being committees constituted in accordance with regulation 3 of the National Health Service (Discipline Committees) (Scotland) Regulations 2006(c).

The National Appeal Panel constituted under Part II of Schedule 4 to the National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995(d).

Pensions Appeal Tribunals for Scotland established in accordance with section 8(2) of and the Schedule to the War Pensions (Administrative Provisions) Act 1919 (c.53).

Pensions Appeal Tribunals for Scotland constituted under the Schedule to the Pensions Appeal Tribunals Act 1943 (c.39).

An appeal tribunal appointed for Scotland under regulation H6(3) of the Police Pensions Regulations 1987(e).

(a) Section 63 and Schedule 7 were repealed by the Schedule to the Agricultural Holdings (Scotland) Act 2003 (asp 11) subject to a saving in paragraph 7 of the Schedule to the Agricultural Holdings (Scotland) Act 2003 (Commencement No. 3, Transitional and Savings Provisions) Order 2003 (S.S.I. 2003/548).

(b) Section 28D was inserted by the Education (Scotland) Act 1981 (c.58), section 1(2).

(c) S.S.I. 2006/330.

(d) S.I. 1995/414.

(e) S.I. 1987/257.

An appeal tribunal appointed under section 67(3) of the Police Pensions (Scotland) Regulations 2007(a).

An appeal tribunal appointed under section 35(3) of the Police (Injury Benefit) (Scotland) Regulations 2007(b).

A police appeals tribunal constituted in accordance with section 30 of, and Schedule 3 to, the Police (Scotland) Act 1967 (c.77).

Valuation appeal committees constituted in accordance with section 29 of the Local Government etc. (Scotland) Act 1994 (c.39).

Rent assessment committees constituted in accordance with Schedule 4 to the Rent (Scotland) Act 1984 (c.58).

Private rented housing committees constituted in accordance with Schedule 4 to the Rent (Scotland) Act 1984 and renamed by section 21 of the Housing (Scotland) Act 2006 (asp 1).

The General Commissioners for divisions in Scotland acting under section 2 of the Taxes Management Act 1970 (c.9), in respect of their non-executive functions.

Any children's hearing constituted and arranged in pursuance of the Children (Scotland) Act 1995 (c.36).

The traffic commissioner for the Scottish Traffic Area as constituted for the purpose of the Public Passenger Vehicles Act 1981 (c.14) in respect of the commissioner's functions under section 18 of the Civic Government (Scotland) Act 1982 (c.45).

VAT and duties tribunals for Scotland constituted in accordance with Schedule 12 to the Value Added Tax Act 1994 (c.23).

Parking adjudicators appointed under section 73 of the Road Traffic Act 1991 (c.40)(c) for certain areas in Scotland.

An appeal tribunal for Scotland constituted under section 29 of the Betting, Gaming and Lotteries Act 1963 (c.2)(d).

(a) S.S.I. 2007/201.

(b) S.S.I. 2007/68.

(c) Relevant orders are the Road Traffic (Permitted Parking Area and Special Parking Area) (City of Edinburgh) Designation Order 1998 (S.I. 1998/1539); the Road Traffic (Permitted Parking Area and Special Parking Area) (City of Glasgow) Designation Order 1999 (S.S.I. 1999/59); the Road Traffic (Permitted Parking Area and Special Parking Area) (Perth and Kinross Council) Designation Order 2002 (S.S.I. 2002/398); the Road Traffic (Permitted Parking Area and Special Parking Area) (Aberdeen City Council) Designation Order 2003 (S.S.I. 2003/70); the Road Traffic (Permitted Parking Area and Special Parking Area) (Dundee City Council) Designation Order 2004 (S.S.I. 2004/87) and the Road Traffic (Permitted Parking Area and Special Parking Area) (South Lanarkshire Council) Designation Order 2005 (S.S.I. 2005/11).

(d) Although the Betting, Gaming and Lotteries Act 1963 is repealed by the Gambling Act 2005 (c.19), Schedule 17, sections 24 to 30 of the 1963 Act continue to have effect by virtue of the Gambling Act 2005 (Horseshoe Betting Levy) Order 2007 (S.I. 2007/2159).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under the Tribunals, Courts and Enforcement Act 2007 (“the 2007 Act”). The 2007 Act establishes the Administrative Justice and Tribunals Council (“the AJTC”), which has both a Scottish and a Welsh Committee, to replace the Council on Tribunals and its Scottish Committee. It provides for the AJTC to keep under review, consider and report on matters relating to “listed tribunals”.

The Act itself provides for only two “listed tribunals”: the First-tier Tribunal and the Upper Tribunal. This Order adds further tribunals, in relation to which the Scottish Ministers are the responsible authority, to the “listed tribunals”. Although the remit of the Scottish Committee of the AJTC is not restricted to matters relating to those “listed tribunals” that are listed by Scottish Ministers, that Committee will keep under review, consider and report on matters relating to the tribunals that are listed in this Order.

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