

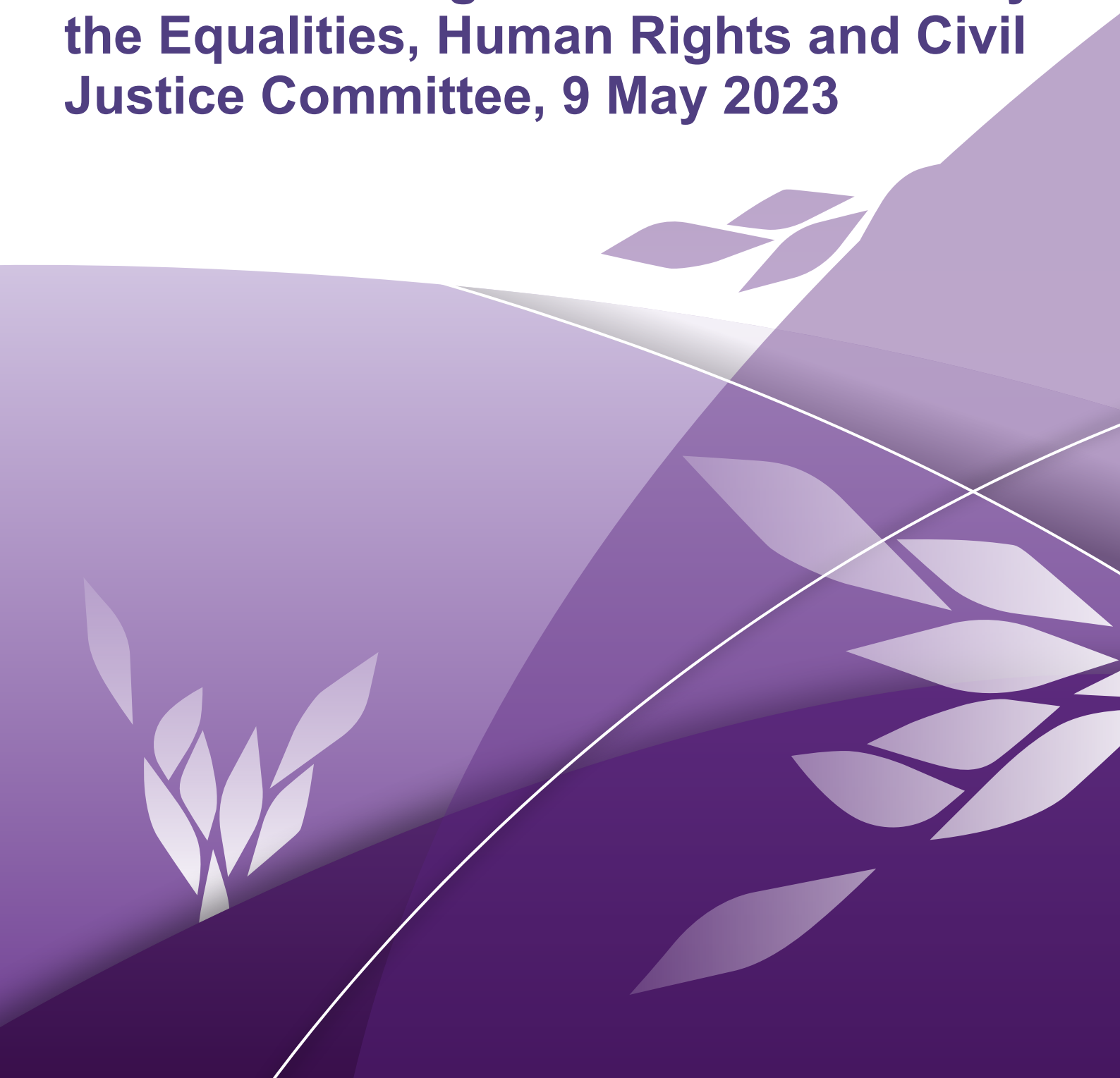


The Scottish Parliament  
Pàrlamaid na h-Alba

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## **Equalities, Human Rights and Civil Justice Committee**

# **Subordinate Legislation considered by the Equalities, Human Rights and Civil Justice Committee, 9 May 2023**



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# Equalities, Human Rights and Civil Justice Committee

To consider and report on the following (and any additional matter added under Rule 6.1.5A)—

- a. matters relating to equal opportunities, and upon the observance of equal opportunities within the Parliament; and
- b. matters relating to human rights.
- c. matters relating to civil justice within the responsibility of the Cabinet Secretary for Justice and Veterans.

## 2. In these Rules

(a) “equal opportunities” includes the prevention, elimination or regulation of discrimination between persons on grounds of sex or marital status, on racial grounds or on grounds of disability, age, sexual orientation, language or social origin or of other personal attributes, including beliefs or opinions such as religious beliefs or political opinions; and

(b) “human rights” includes Convention rights (within the meaning of section 1 of the Human Rights Act 1998) and other human rights as for example contained in any international convention, treaty or other international instrument ratified by the United Kingdom.



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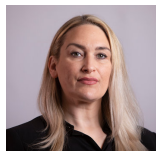
# Committee Membership



**Convener**  
**Kaukab Stewart**  
Scottish National Party



**Deputy Convener**  
**Maggie Chapman**  
Scottish Green Party



**Karen Adam**  
Scottish National Party



**Pam Gosal**  
Scottish Conservative  
and Unionist Party



**Rachael Hamilton**  
Scottish Conservative  
and Unionist Party



**Fulton MacGregor**  
Scottish National Party



**Paul O'Kane**  
Scottish Labour

# Introduction

1. At its meeting on 9 May 2023, the Equalities, Human Rights and Civil Justice Committee considered the following instruments:
  - [The First-tier Tribunal for Scotland General Regulatory Chamber and Upper Tribunal for Scotland \(Composition and Rules of Procedure\) \(Miscellaneous Amendment\) Regulations 2023 \(SSI 2023/Draft\)](#)
  - [The First-tier Tribunal for Scotland \(Allocation of Functions to the General Regulatory Chamber\) Regulations 2023 \(SSI 2023/Draft\)](#)
2. The instruments are subject to the affirmative procedure (Rule 10.6).

# **The First-tier Tribunal for Scotland General Regulatory Chamber and Upper Tribunal for Scotland (Composition and Rules of Procedure) (Miscellaneous Amendment) Regulations 2023 (SSI 2023/ Draft)**

3. The draft SSI was laid before the Scottish Parliament on 22 March 2023 and referred to the Equalities, Human Rights and Civil Justice Committee.
4. The Tribunals (Scotland) Act 2014 created a new structure for tribunals dealing with devolved matters under the judicial leadership of the Lord President of the Court of Session as head of the Scottish Tribunals.
5. It provides for a First-tier Tribunal for Scotland divided into chambers and an Upper Tribunal for Scotland divided into divisions.
6. The First-tier Tribunal for Scotland General Regulatory Chamber Parking and Bus Lane Appeals (Rules of Procedure) Regulations 2020 provide for the rules of procedure to apply in the General Regulatory Chamber when hearing appeals against decisions of a local authority to issue parking penalty charge notices or bus lane charge notices.
7. The First-tier Tribunal for Scotland General Regulatory Chamber Parking and Bus Lane Cases and Upper Tribunal for Scotland (Composition) Regulations 2020 provide for the composition of the General Regulatory Chamber and the Upper Tribunal when dealing with parking cases and bus lane cases.
8. These Regulations amend:
  - The First-tier Tribunal for Scotland General Regulatory Chamber Parking and Bus Lane Appeals (Rules of Procedure) Regulations 2020, and
  - The First-tier Tribunal for Scotland General Regulatory Chamber Parking and Bus Lane Cases and Upper Tribunal for Scotland (Composition) Regulations 2020

to enable the General Regulatory Chamber and the Upper Tribunal to hear appeals against decisions of a local authority to issue penalty charge notices relating to low emission zone schemes, double parking prohibitions, pavement parking prohibitions, dropped footway parking prohibitions and workplace parking licensing schemes. This reflects changes introduced under the Transport (Scotland) Act 2019.

# **The First-tier Tribunal for Scotland (Allocation of Functions to the General Regulatory Chamber) Regulations 2023 (SSI 2023/Draft)**

9. The draft SSI was laid before the Scottish Parliament on 22 March 2023 and referred to the Equalities, Human Rights and Civil Justice Committee.
10. The Tribunals 2014 Act created a new structure for the devolved tribunals in Scotland. Under powers in the Tribunals (Scotland) Act 2014 the Scottish Ministers can transfer the functions of some existing tribunals to the new First-tier Tribunal which was established under that Act.
11. The Policy Note states that the Transport (Scotland) Act 2019 legislates for the creation and civil enforcement of:
  - Low Emission Zones (LEZ) schemes
  - Workplace Parking Licensing
  - Parking prohibitions specifically pavement parking, double parking and dropped footway parking
12. The General Regulatory Chamber currently deals with appeals against parking and bus lane contraventions. This instrument expands the current functions to include appeals, referrals or reviews related to Low Emission Zones (LEZ) schemes, Workplace Parking Licensing and further parking prohibitions.



# Delegated Powers and Law Reform Committee consideration

13. Delegated Powers and Law Reform Committee (DPLR) considered the instruments at its meeting on [28 March 2023](#). The DPLR Committee agreed that it did not need to draw the Parliament's attention to either of the instruments on any grounds within its remit.

# Equalities, Human Rights and Civil Justice Committee consideration

14. It is for the Equalities, Human Rights and Civil Justice Committee to recommend to the Parliament whether the instruments should be approved.
15. The previous Minister for Community Safety (Elena Whitham MSP), has, by motions [S6M-08337](#) and [S6M-08338](#) proposed that the Committee recommends the approval of the instruments.
16. The Committee took evidence from the newly appointed Minister for Victims and Community Safety (Siobhian Brown MSP) ("the Minister") at its meeting on 9 May 2023.
17. Following the evidence session on 9 May 2023, the Minister moved motions:
  - S6M-08337— That the Equalities, Human Rights and Civil Justice Committee recommends that the First-tier Tribunal for Scotland General Regulatory Chamber and Upper Tribunal for Scotland (Composition and Rules of Procedure) (Miscellaneous Amendment) Regulations 2023 [draft] be approved, and
  - S6M-08338—That the Equalities, Human Rights and Civil Justice Committee recommends that the First-tier Tribunal for Scotland (Allocation of Functions to the General Regulatory Chamber) Regulations 2023 [draft] be approved.
18. The motions were agreed to without division or dissent.
19. The Equalities, Human Rights and Civil Justice Committee recommends to the Scottish Parliament that the First-tier Tribunal for Scotland General Regulatory Chamber and Upper Tribunal for Scotland (Composition and Rules of Procedure) (Miscellaneous Amendment) Regulations 2023 [draft] and the First-tier Tribunal for Scotland (Allocation of Functions to the General Regulatory Chamber) Regulations 2023 [draft] be approved.

