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Equalities, Human Rights and Civil Justice Committee

Subordinate Legislation considered by the Equalities, Human Rights and Civil Justice Committee on 29 October 2024



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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 Home Affairs.

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.

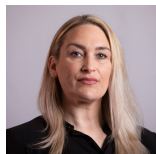


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Introduction

1. This report concerns the following two affirmative instruments:
 - The Upper Tribunal for Scotland Bus Registration Appeals (Composition) Regulations 2024 [draft]
 - The Upper Tribunal for Scotland (Transfer of Functions of the Transport Tribunal) Regulations 2024 [draft]

The instruments, which were laid in draft on 20 September 2024, are subject to the affirmative procedure – which means they cannot be made unless they have been approved by a resolution of the Parliament.

If approved, the instruments come into force on 2 December 2024.

2. It is for the Equalities, Human Rights and Civil Justice Committee, as lead committee, to decide whether or not to recommend approval of the instruments.

About the instruments

The Upper Tribunal for Scotland Bus Registration Appeals (Composition) Regulations 2024 [draft]

3. The purpose of the instrument is to make provision in respect of the composition of the Upper Tribunal for Scotland when hearing certain appeals under section 39(5A) of the Transport (Scotland) Act 2001 and those under the Public Service Vehicles (Registration of Local Services) (Bus Services Improvement Partnerships Service Standards Decisions) (Appeals) (Scotland) Regulations 2024.
4. Members of the Upper Tribunal can be ordinary members, legal members or judicial members according to criteria set out in the Tribunals (Scotland) Act 2014 and regulations made under that Act. This instrument sets out which member or members may hear the appeals referred to in the paragraph above.

The Upper Tribunal for Scotland (Transfer of Functions of the Transport Tribunal) Regulations 2024 [draft]

5. The purpose of the instrument is to make provision for the transfer of certain functions of the Transport Tribunal to the Upper Tribunal for Scotland.

Consideration by the Delegated Powers and Law Reform Committee

6. The Delegated Powers and Law Reform (DPLR) Committee is required to consider every instrument laid before the Parliament and decide whether to draw it to the attention of the Parliament on any of the “reporting grounds” set out in Rule 10.3 of the Parliament’s standing orders.
7. The DPLR Committee considered both the above instruments at its meeting on 1 October 2024 and reported on them in its [58th Report, 2024](#). The DPLR Committee agreed not to draw the instruments to the attention of the Parliament.

Consideration by the Equalities, Human Rights and Civil Justice Committee

8. At its meeting on 29 October 2024, the Equalities, Human Rights and Civil Justice Committee took evidence on both instruments from the Minister for Victims and Community Safety .

9. Following the oral evidence, the Minister moved the following motions—

S6M-14609 - That the Equalities, Human Rights and Civil Justice Committee recommends that the Upper Tribunal for Scotland Bus Registration Appeals (Composition) Regulations 2024 [draft] be approved; and

S6M-14610 - That the Equalities, Human Rights and Civil Justice Committee recommends that Upper Tribunal for Scotland (Transfer of Functions of the Transport Tribunal) Regulations 2024 [draft] be approved.
10. The motions were agreed to.
11. Accordingly, the Equalities, Human Rights and Civil Justice Committee recommends to the Parliament that the draft Upper Tribunal for Scotland Bus Registration Appeals (Composition) Regulations 2024 and the draft Upper Tribunal for Scotland (Transfer of Functions of the Transport Tribunal) Regulations 2024 be approved.

