
SCOTTISH STATUTORY INSTRUMENTS

2018 No. 1

TRIBUNALS AND INQUIRIES

The First-tier Tribunal for Scotland (Transfer of Functions of the Scottish Charity Appeals Panel) Regulations 2018

Made - - - - *9th January 2018*

Coming into force - - *12th January 2018*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 20(2), 28(2) and 79(1)(b) of, and paragraph 1(1) of schedule 2 of the Tribunals (Scotland) Act 2014(1) and all other powers enabling them to do so.

In accordance with section 11(1)(a) and (b) of that Act, the Scottish Ministers have obtained the Lord President's approval and have consulted such other persons as they considered appropriate.

In accordance with section 79(2)(a) and (b) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the First-tier Tribunal for Scotland (Transfer of Functions of the Scottish Charity Appeals Panel) Regulations 2018 and come into force on 12th January 2018.

(2) In these Regulations—

“the 2005 Act” means the Charities and Trustee Investment (Scotland) Act 2005(2);

“the 2014 Act” means the Tribunals (Scotland) Act 2014;

“Chair” means a member of the Scottish Charity Appeals Panel appointed under paragraph 1(1) and (4) of schedule 2 of the 2005 Act to chair that panel;

“functions of the Scottish Charity Appeals Panel” means the functions exercised by the Scottish Charity Appeals Panel by virtue of section 76 of the 2005 Act;

“other member” means a member of the Scottish Charity Appeals Panel other than the Chair appointed under paragraph 1(1) and (4) of schedule 2 of the 2005 Act; and

the “Scottish Charity Appeals Panel” means any panel constituted in accordance with section 75(1) of the 2005 Act.

(1) 2014 asp 10.

(2) 2005 asp 10.

Transfer of functions of the Scottish Charity Appeals Panel to the First-tier Tribunal and abolition of the Scottish Charity Appeals Panel

2.—(1) The functions of the Scottish Charity Appeals Panel are transferred to the First-tier Tribunal with allocation to the First-tier Tribunal General Regulatory Chamber.

(2) The Scottish Charity Appeals Panel is abolished.

Transfer of members of the Scottish Charity Appeals Panel to the First-tier Tribunal

3.—(1) Subject to paragraphs (2) to (4), the members of the Scottish Charity Appeals Panel under the age of 75 on the coming into force of these Regulations are transferred to and become members of the First-tier Tribunal, with—

- (a) the Chairs becoming legal members of the First-tier Tribunal; and
- (b) other members becoming ordinary members of the First-tier Tribunal.

(2) Members of the Scottish Charity Appeals Panel transferred to the First-tier Tribunal under paragraph (1) shall (subject to the provisions of the 2014 Act) be members of the First-tier Tribunal in accordance with terms and conditions to be offered by the Scottish Ministers immediately before transfer, which will supersede any existing terms and conditions of appointment.

(3) Paragraph (1) does not apply to any member of the Scottish Charity Appeals Panel if the member has already been transferred to and is a member of the First-tier Tribunal by virtue of regulations made under section 28(2) of the 2014 Act which were in force prior to these Regulations coming into force.

(4) A member of the Scottish Charity Appeals Panel who is aged 70 or over on coming into force of these Regulations shall transfer only if the Scottish Ministers in consultation with the President of Tribunals consider it desirable in the public interest that the member should transfer.

Transitional and savings provisions

4.—(1) Section 21(1) of the 2014 Act is not to apply to the First-tier Tribunal General Regulatory Chamber until two further sets of regulations have been made under sections 20(2) and 28(2) of that Act transferring functions to the First-tier Tribunal with allocation to the General Regulatory Chamber and those two further sets of regulations have come into force.

(2) Schedule 1 of these Regulations contains further transitional and savings provisions.

Consequential provisions

5. Schedule 2 of these Regulations contains consequential provisions.

Revocations

6. Schedule 3 of these Regulations contains revocations.

St Andrew's House, Edinburgh
9th January 2018

ANNABELLE EWING
Authorised to sign by the Scottish Ministers