

Response ID ANON-7Y49-X5S4-H

Submitted to **Tribunals (Scotland) Act 2014 - Consultation on Draft Regulations for: 1) the Transfer of Functions and Members of (A) the Private Rented Housing Panel and (B) the Homeowner Housing Panel, to the Scottish Tribunals, and; (2) the Composition of the Scottish Tribunals when hearing Housing and Property cases.**

Submitted on 2015-12-15 17:01:17

Information about you

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Publish this response

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

PART 1: QUESTIONS ON THE TRANSFER OF THE PRHP/HOHP

1 Do you have any comments on the draft transfer of functions and members Regulations?

Do you have any comments on the draft transfer of functions and members Regulations?:

Q1: Do you have any comments on the draft regulations on Composition?

A1: No, save as below.

Q2: Do you have any views on the proposed composition for the Housing and Property Chamber hearing Private Rented Sector and Letting Agent cases?

A2: The Faculty can see no legal issues arising out of the proposed composition. It seems sensible to allow the Chamber President of the Housing and Property Chamber to determine whether the particular issue requires to be determined by a legal member alone, a legal member with one ordinary member, or a legal member with two ordinary members.

Q3: Do you have any comments on the proposed composition of the Upper Tribunal hearing appeals from the Housing and Property Chamber of the First-tier Tribunal?

A3: The Faculty considers that the proposal to allow the Chamber President to hear appeals in the Upper Tribunal sitting alone, although subject to the safeguard of appointment by the President of the Scottish Tribunals, may not present the appearance of impartiality and independence which is an essential aspect of an appeal body, taking into account the present involvement of the present Chamber President in the administration of the prhp/hohp.

2 Are you content with the provisions regarding transitional arrangements?

Are you content with the provisions regarding transitional arrangements? :

See box 1

3 Are you content with the provisions relating to the transfer of members?

Are you content with the provisions relating to the transfer of members?:

See box 1

4 Do you have any views on the proposed amendments to existing procedural rules?

Do you have any views on the proposed amendments to existing procedural rules? :

See box 1

5 Do you have any other comments on the draft regulations which transfer the functions and members of the prhp and hohp and their relevant committees to the Scottish Tribunals?

Do you have any other comments on the draft regulations which transfer the functions and members of the prhp and hohp and their relevant committees to the Scottish Tribunals?:

See box 1

PART 2: CONSULTATION ON DRAFT REGULATIONS THAT DETERMINE THE COMPOSITION OF THE FIRST-TIER & UPPER TRIBUNAL FOR SCOTLAND WHEN HEARING CASES IN AND FROM THE HOUSING AND PROPERTY CHAMBER

1 Do you have any comments on the draft regulations on Composition?

Do you have any comments on the draft regulations on Composition? :

See box 1

2 Do you have any views on the proposed composition for the Housing and Property Chamber hearing Private Rented Sector and Letting Agent cases?

Do you have any views on the proposed composition for the Housing and Property Chamber hearing Private Rented Sector and Letting Agent cases?:

See box 1

3 Do you have any comments on the proposed composition of the Upper Tribunal hearing appeals from the Housing and Property Chamber of the First-tier Tribunal?

Do you have any comments on the proposed composition of the Upper Tribunal hearing appeals from the Housing and Property Chamber of the First-tier Tribunal? :

See box 1

4 Do you have any other comments on the draft regulations which prescribe the composition of the Scottish Tribunals when hearing cases in and from the Housing and Property Chamber?

Do you have any other comments on the draft regulations which prescribe the composition of the Scottish Tribunals when hearing cases in and from the Housing and Property Chamber? :

See box 1

Evaluation

Please help us improve our consultations by answering the questions below.

Matrix 1 - How satisfied were you with this consultation?:

Neither satisfied nor dissatisfied

Please enter comments here.:

Matrix 1 - How would you rate your satisfaction with using Citizen Space to respond to consultations?:

Very dissatisfied

Please enter comments here.:

The system is not easy to use and has no facility to store aspects of the response which would be common each time. Takes more time than to send an email.