

Respondent Information Form

Please Note this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy:
<https://www.gov.scot/privacy/>

Are you responding as an individual or an organisation?

- Individual
 Organisation

Full name or organisation's name

Faculty of Advocates

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The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name
 Publish response only (without name)
 Do not publish response

Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

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
 No

Questionnaire

Question 1

Should current members of the Police Appeals Tribunal transfer into the Scottish Tribunals structure?

- Strongly agree
- Mostly agree
- Mostly disagree
- Strongly disagree

Please give reasons for your answer.

Where at all possible, it makes sense to have uniformity with Tribunal proceedings.

Question 2

Do you have any comments on the draft regulations regarding the transfer of functions of the Police Appeals Tribunal to the First-tier Tribunal?

No

Question 3

Do you agree with the proposed steps for an appellant to submit a Notice of Appeal and for the Respondent to reply?

- Strongly agree
- Mostly agree
- Mostly disagree
- Strongly disagree

Please give reasons for your answer.

It clarifies the point in issue and the respective parties' position. There is scope within the Regulations to allow for later amendment.

Question 4

Do you agree with the proposal to allow the Tribunal to make an order for expenses, where the actions of one party resulted in another party incurring an expense that it would be unreasonable to expect them to pay?

- Strongly agree
- Mostly agree
- Mostly disagree
- Strongly disagree

Please give reasons for your answer.

It could be suggested that by making the proposed changes to the Regulations it will limit the scope of an appellant to recover expenses. This view arises from the assumption that the Police (SPA) are largely going to act "reasonably" during any appeal.

Question 5

Do you agree with the proposal that decisions of the Tribunal should be published, and if so, should any conditions be attached to this?

- Strongly agree
- Mostly agree
- Mostly disagree
- Strongly disagree

Please give reasons for your answer.

However, in publishing the decisions, care should be taken not to breach any party's privacy or data protection rights.

Question 6

Do you have any comments on the proposed routes to challenge decisions of the Tribunal?

No

Question 7

Do you have any other comments on the draft procedure regulations?

No

Question 8

Do you have any comments on the proposed composition of the First-tier Tribunal Police Appeals Tribunal within the General Regulatory Chamber?

No

Question 9

Do you have any comments on the proposals regarding the composition of the Upper Tribunal when hearing appeals from the General Regulatory Chamber?

Paragraph 27 of the consultation document and Regulation 35(1)(a) of the draft Regulations appear to be at odds with each other. We are of the view that draft Regulation 35(1)(a) should prevail.

Question 10

Do you have any other comments you wish to make?

No

Question 11

Are you aware of any impacts, positive or negative, of the proposals in this consultation

Please see comment above regarding publication of decisions.

Question 12

Are you aware of any potential costs and burdens that you think may arise as a result of the proposals within this consultation?

See comments made above regarding award of expenses.

Question 13

Are you aware of any examples of how the proposals in this consultation may impact, either positively or negatively, on those with protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation)?

No