

# **PE2180/A: Review the procedures and case progress timelines for the First-tier Tribunal for Scotland**

## **Scottish Government written submission, 6 October 2025**

### **Does the Scottish Government consider the specific ask of the petition to be practical or achievable?**

The ask is achievable in part but not practical.

Firstly, regarding the “reviewing the current guidelines” element of the petition, Scottish Government have interpreted this reference to be “reviewing the current guidance”. This element of the petition is not achievable as Scottish Ministers are not responsible for reviewing the current guidance within Scottish Tribunals including the First-tier Tribunal Scotland, Housing and Property Chamber (‘the Chamber’). The Lord President is responsible for making and maintaining appropriate arrangements for the training and guidance under section 34(1) of the Tribunals (Scotland) Act 2014 (‘the 2014 Act’) including as it relates to the Chamber.

It should also be noted that the administration of the Chamber is a matter for the Scottish Courts and Tribunals Service (‘SCTS’) and is entirely independent of the Scottish Government. This is because the independence of the courts and tribunals is a cornerstone of a democratic society and a safeguard for the freedom and rights of the citizen under the rule of law.

Secondly, regarding “introducing case progress and hearing timelines” this is achievable and could be done via primary legislation or secondary legislation. The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (‘the 2017 Regulations’) contains rules which regulate the practice and procedure of the Chamber. Amendments to these rules could be made by Scottish Ministers under paragraph 9 of Schedule 9 of the 2014 Act. Paragraph 4(3) of Schedule 9 requires Scottish Ministers to consult the President of Tribunals and such other persons as they consider appropriate. Introducing “case progress and hearing timelines” in primary or secondary legislation would require consultation and comes with cost and resource implications.

However, amending the 2017 Regulations or taking forward primary legislation is not a practical solution to address the issue of wait times. This is because Rule 2 of the 2017 Regulations already includes an overriding objective that the Chamber is to deal with the proceedings “justly”. Rule 2 of the 2017 Regulations includes “avoiding delay, so far as compatible with the proper consideration of the issues”. This balances ‘avoiding delaying’ with ‘proper consideration of the issues’. Depending on the facts, circumstances, and volume of tribunal business it is not practical to place a statutory time limit on ‘proper consideration of the issues’. The Chamber President and the Chamber are already under an obligation to manage the proceedings in accordance with the overarching objective.

Although not practical to “introducing case progress and hearing timelines” steps have and are being taken by the Scottish Government in conjunction with SCTS to address the underlying practical reasons for wait times and this is set out below.

**What, if any, action the Scottish Government is currently taking to address the issues raised by this petition, and is any further action being considered that will achieve the ask of this petition?**

Scottish Government officials are engaging with SCTS on practical issues in respect of wait times generally. The Chamber assures Scottish Government officials that they are working to ensure that applications are processed timeously. The Chamber explains to parties how each case will be conducted; they advise that applications are dealt with in date order and the Chamber can be contacted by a party to the case and an update provided.

Recently, SCTS advised that the principal reason wait times have increased is due to an increase in caseload volumes of applications received by the Chamber. Scottish Government officials have an ongoing dialogue with SCTS about case numbers, staffing needs and associated costs, to inform funding of the Chamber. SCTS continuously seek to improve the scheduling process to ensure hearings are arranged efficiently, particularly in the context of rising caseloads across the Scottish Tribunals. SCTS advise that resource allocation within the administration of the Chamber is regularly reviewed to prioritise areas under greatest pressure however, scheduling capacity is heavily dependent on the availability of tribunal members.

The Judicial Appointments Board for Scotland (‘JABS’) is responsible for recommending the appointment of Tribunal Members under section 9 of the Judiciary and Courts (Scotland) Act 2008. In August 2025, following recommendations from the JABS, Scottish Ministers agreed to their recommendation and appointed additional members to the First-tier Tribunal for Scotland. These appointments will provide the Housing and Property Chamber with additional Legal Members. SCTS advise that a larger pool of legal members will positively enhance the overall scheduling capacity. Scottish Government officials are continuing to work with the Judicial Office for Scotland and JABS officials on further recruitment priorities. The issue of availability of tribunal members will continue to be monitored by SCTS, Judicial Office for Scotland and Scottish Government further to Scottish Ministers’ recent additional appointments.

**Is there any further information the Scottish Government wish to bring to the Committee’s attention, which would assist it in considering this petition?**

Complaints about court and tribunals are managed by the SCTS. Information about complaints about the Housing and Property Chamber can be found at [Feedback and Complaints | Housing and Property Chamber](#) and the service can be contacted at either [HPCadmin@scotcourtribunals.gov.uk](mailto:HPCadmin@scotcourtribunals.gov.uk) or [enquiries@scotcourts.gov.uk](mailto:enquiries@scotcourts.gov.uk).

The Scottish Government understands that the Chamber is receiving a high volume of applications and correspondence which is resulting in longer than usual waiting times. Scottish Government understand from SCTS that when an application is received the administration will process the application, and the case will go to a sifting stage with a legal member. At this stage the legal member will make a

decision to either reject the application, request further information, or alternatively refer the case for a case management discussion or a full hearing. When a case is referred to a case management discussion or a hearing, the scheduling team will schedule accordingly and the parties will have a minimum of 14 days' notice of the hearing date.

**Tribunals Policy, Civil Law and Legal System Division**