



Ethical Standards in Public Life etc. (Scotland) Act 2000

2000 asp 7

PART 2

ENFORCEMENT

17 Hearings before Commission

- (1) Subject to subsections (2) to (10) below, the procedure at a hearing held under section 16(b) above shall be such as the Commission determines.
- (2) The Commission may, at any one hearing, consider alleged contraventions of the councillors' code by more than one councillor or of the members' code by more than one member of a devolved public body.
- (3) A hearing shall be conducted by not fewer than three members of the Commission selected by the convener of the Commission.
- (4) A councillor or member of a devolved public body whose conduct is being considered by a hearing is entitled to be heard there either in person or represented by counsel or a solicitor or any other person.
- (5) The members of the Commission conducting a hearing may—
 - (a) require any person to attend the hearing, give evidence and produce documents;
 - (b) administer oaths.
- (6) A person shall not, however, be compelled to give any evidence or produce any documents which that person could not be compelled to give or produce in civil proceedings in the Court of Session.
- (7) A person who, without reasonable excuse, fails to comply with a requirement imposed under subsection (5)(a) above is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Status: This is the original version (as it was originally enacted).

- (8) The Commission may pay persons appearing at a hearing or attending it for the purpose of giving evidence or producing documents such expenses or allowances as it thinks fit.
- (9) A hearing shall be held in public unless the members of the Commission conducting it determine that it is in the public interest that it, or such part of it as they specify for the purposes of this subsection, be not so held.
- (10) In this section, “documents” shall be construed as in section 13 above.