



# Courts Reform (Scotland) Act 2014

## 2014 asp 18

### PART 1

#### SHERIFF COURTS

#### CHAPTER 2

#### JUDICIARY OF THE SHERIFFDOMS

##### *Fitness for office*

### **23 Further provision about tribunals**

- (1) A tribunal constituted under section 21 may require any person—
  - (a) to attend its proceedings for the purpose of giving evidence,
  - (b) to produce documents in the person's custody or under the person's control.
- (2) A person on whom such a requirement is imposed is not obliged—
  - (a) to answer any question which the person would be entitled to refuse to answer in a court in Scotland,
  - (b) to produce any document which the person would be entitled to refuse to produce in such a court.
- (3) Subsection (4) applies where a person on whom a requirement has been imposed under subsection (1)—
  - (a) refuses or fails, without reasonable excuse, to comply with the requirement,
  - (b) refuses or fails, without reasonable excuse, to answer any question while attending the tribunal proceedings to give evidence,
  - (c) deliberately alters, conceals or destroys any document that the person is required to produce.
- (4) The Court of Session may, on an application made to it by the tribunal—
  - (a) make such order for enforcing compliance as it sees fit, or
  - (b) deal with the matter as if it were a contempt of the Court.

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**Changes to legislation:** Courts Reform (Scotland) Act 2014, Section 23 is up to date with all changes known to be in force on or before 04 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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- (5) The Court of Session may by act of sederunt make provision as to the procedure to be followed by and before a tribunal constituted under section 21.
- (6) The Scottish Ministers—
- (a) must pay such expenses as they consider are reasonably required to be incurred to enable a tribunal constituted under section 21 to carry out its functions, and
  - (b) may pay such remuneration to, and such expenses of, the members of such a tribunal as they think fit.

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**Commencement Information**

- I1** S. 23(1)-(4)(6) in force at 1.4.2015 by S.S.I. 2015/77, art. 2(2)(3), Sch.  
**I2** S. 23(5) in force at 12.3.2015 by S.S.I. 2015/77, art. 2(1)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- sch. 1 para. 5A and cross-heading inserted by [2020 asp 9 s. 9](#)
- sch. 1 para. 2(g)(h) inserted by [2021 asp 16 s. 15\(8\)](#)