
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 190

**The Risk Assessment and Minimisation
(Accreditation Scheme) (Scotland) Order 2006**

APPEALS

Legal assessor

14.—(1) The Authority may appoint a legal assessor to advise the appeals committee in respect of a particular appeal.

(2) The functions of the legal assessor are—

- (a) to advise the appeals committee on questions of law arising in proceedings before it, whether or not reference is made by the committee to him or her in that regard; and
- (b) to advise on the drafting of the decision of the committee (notwithstanding that he or she will not be a party to that decision).

(3) To be qualified for appointment as a legal assessor, a person must—

- (a) have a 10 year general qualification (within the meaning of section 71(3)(c) of the Courts and Legal Services Act 1990(1));
- (b) be an advocate or solicitor in Scotland of at least 10 years' standing; or
- (c) be a member of the Bar of Northern Ireland of at least 10 years' standing.

(4) No person shall be a legal assessor if he is—

- (a) a member of the Authority; or
- (b) employed by the Authority.

(5) The appeals committee must notify the appellant in writing 2 weeks in advance of the hearing of the name of any legal assessor who has been appointed.

(6) If a legal assessor is appointed in respect of an appeal, he or she must attend the hearing required by article 11(2) and any continuation thereof.

(7) Any advice tendered by a legal assessor on a question of law shall, where it arises in the course of the hearing and before the appeals committee has begun its deliberations, be tendered in the presence of the appellant or the appellant's representative and otherwise shall be communicated to the appellant or the appellant's representative as soon as practicable (or, where such deliberations have begun, on their completion) and, where such communication is not in writing, a written record summarising the advice and any question giving rise to it shall thereafter be provided.