
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 88

**The Additional Support Needs Tribunals for
Scotland (Practice and Procedure) Rules 2006**

PART III

MANAGEMENT POWERS OF TRIBUNALS

Power to dismiss

18.—(1) Without prejudice to the powers of a Tribunal at a hearing, a convener may, at any time before the hearing of a reference, direct that the Secretary serves notice on the appellant stating that it appears that the reference should be dismissed on one or more of the grounds specified in paragraph (2) or for want of prosecution.

(2) The grounds referred to in paragraph (1) are that the reference—

- (a) is made otherwise than in accordance with these Rules;
- (b) is not, or is no longer, within the jurisdiction of the Tribunal; or
- (c) is frivolous or vexatious.

(3) The notice under paragraph (1) shall invite the appellant within such period as may be specified (being not less than 5 working days) to make representations in writing as to why the reference should not be dismissed and shall explain that the appellant may request a hearing.

(4) After expiry of the period specified in paragraph (3), and subject to paragraph (5), a convener may order that the reference be struck out on one or more of the grounds specified in paragraph (2) or for want of prosecution.

(5) Before making an order under paragraph (4) a convener shall consider any representations under paragraph (3) and may afford the appellant the opportunity of a hearing.

(6) Any decision to dismiss a reference under this rule shall be recorded in summary form in a document signed by the convener and a copy of that document shall be sent by the Secretary to each of the parties, and details of the decision entered in the Register.