
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 88

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

PART V

HEARINGS AND DECISIONS

Conduct of the hearing

28.—(1) At the beginning of the hearing the convener shall explain the procedure which the Tribunal proposes to adopt.

(2) At the hearing of a reference, the parties shall, subject to the provisions of these Rules, be entitled to be present and be heard, to give evidence, to call witnesses, to question witnesses and to address the Tribunal both on the evidence and generally on the subject matter of the reference, provided that neither party shall be entitled unless permitted to do so by a convener, or the Tribunal at a hearing, to call more than two witnesses to give evidence in person in addition to the child or young person.

(3) A Tribunal may permit a parent of the child or young person, who is not a party, to address it on the subject matter of the reference.

(4) The Tribunal may, if it is satisfied that it is fair and just to do so, permit—

(a) the appellant to rely on grounds not stated in the reference or in any statement of case and to produce or lead any evidence not presented to the authority prior to the date of—

(i) the decision which is the subject of the reference; or

(ii) the provision of a copy of the co-ordinated support plan or amended plan in accordance with section 11(5)(a) of the Act containing the information which is the subject of the reference; or

(b) the authority to rely on grounds not specified in the response.

(5) If, at or after the beginning of a hearing, a member of the Tribunal other than the convener is absent, the hearing may, with the consent of the parties, be conducted by the convener and the remaining member and in that event the Tribunal shall be deemed to be properly constituted, and the decision of the Tribunal shall be taken by the convener and that member.

(6) In the absence of the consent referred to in paragraph (5) the hearing shall be postponed.

(7) Except in so far as expressly permitted by these Rules to give evidence or to address the Tribunal none of the persons mentioned in rule 27(5) or (7) shall, save in the case of persons mentioned in rule 27(7)(k), take any part in the hearing or (where entitled or permitted to remain) in the deliberations of the Tribunal.

(8) For the purposes of arriving at its decision a Tribunal shall, and for the purposes of discussing a question of procedure, may, notwithstanding anything contained in these Rules order all persons to withdraw from the sitting of the Tribunal other than the convener and members of the Tribunal and any of the persons mentioned in rule 27(5)(f) to (j).