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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 104**

**The Additional Support Needs Tribunals for  
Scotland (Disability Claims Procedure) Rules 2011**

**PART 4**

**EVIDENCE**

**Recovery of documents**

**22.**—(1) Subject to the provisions of the 2004 Act and to paragraph (2), a Tribunal or a convener may, on the application of any party or on their own initiative, direct the Secretary to send a citation to any person requiring them to produce to the Secretary, by such date as may be specified, any document in their custody, or under their control.

(2) The citation must explain that it is an offence under paragraph 13 of schedule 1 to the 2004 Act to refuse or fail to produce any such document without reasonable excuse or to deliberately alter, conceal or destroy any document which that person is required by the citation to produce, and that a person guilty of such an offence may be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(3) Where such a citation has been duly served on a person and that person fails to comply within the time specified in the citation, a convener or the Tribunal at a hearing may—

- (a) where the person in default is the claimant, dismiss the claim without a hearing or further hearing; or
- (b) where the person in default is the responsible body, order that the responsible body take no further part in the proceedings.

(4) For the purposes of paragraph (1) a person is not obliged to produce a document which that person would be entitled to refuse to produce in civil proceedings before the Court of Session.

(5) In the exercise of the power conferred under paragraph (1) regard shall be had to the need to protect any matter that relates to intimate personal or financial circumstances of any person or consists of information communicated or obtained in confidence.