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SCOTTISH STATUTORY INSTRUMENTS

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**2012 No. 86**

**The General Teaching Council for  
Scotland (Legal Assessor) Rules 2012**

**Functions of a legal assessor**

- 2.—(1) This rule applies to any proceedings before the GTCS in respect of—
- (a) an investigation of an individual's fitness to teach, at any procedural stage following consideration by an Investigating Panel;
  - (b) a review of a decision—
    - (i) to impose conditions on the registration of an individual in relation to such an investigation;
    - (ii) to record reprimands on the entry in the register of an individual whose fitness to teach has been investigated;
    - (iii) to remove from the register under article 18(2)(b) of the Order any individual whose entry in the register is provisional.
- (2) An investigation referred to in paragraph (1)(a) includes any investigation of—
- (a) registered teachers;
  - (b) provisionally registered teachers; and
  - (c) applicants for registration.
- (3) The legal assessor shall advise the GTCS on any questions of law arising in the proceedings in accordance with the provisions of this rule.
- (4) The legal assessor shall during the proceedings give the GTCS such advice as is necessary to enable the proceedings to be conducted in accordance with rules made by the GTCS under paragraphs 1 or 2 of Schedule 4 to the Order.
- (5) The legal assessor may give the advice mentioned in paragraphs (3) and (4)—
- (a) while present at any hearing in the proceedings or from a separate location from the venue for such a hearing;
  - (b) at any time when in the course of proceedings the GTCS is considering any matter or question in private.
- (6) Any advice given by the legal assessor under this rule may include advice relating to the drafting of written decisions and the structuring of reasons.
- (7) Any advice given by the legal assessor under this rule (other than advice as mentioned in paragraph 6) shall—
- (a) be given in such manner as to be audible to all parties to the proceedings;
  - (b) subject to paragraph (8), if given while the GTCS is deliberating in private, be intimated to the parties as soon as reasonably practicable and before any decision is pronounced.
- (8) If the legal assessor considers that it is necessary for any advice given by him or her to the GTCS in private to be intimated to the parties immediately, the parties shall be recalled forthwith and the advice intimated to them.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(9) Every party shall be given the opportunity to comment on any advice (other than advice as mentioned in paragraph 6) given to the GTCS by the legal assessor under this rule.

(10) The legal assessor may, following any comments made under paragraph (9), give such further advice to the GTCS as he or she considers necessary.

(11) If the GTCS does not accept any advice given by the legal assessor under this rule, a statement to that effect together with the reasons for not accepting it shall be made on behalf of the GTCS either during the proceedings or when it gives its decision, if that is given later.