
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 360

The Asset Transfer Request (Appeal Where No Contract Concluded) (Scotland) Regulations 2016

PART 3

Procedure for determination

Determination without further procedure

6. Where the review panel consider that no further representations are, or information is, required to enable them to do so, the review panel may finalise their report without further procedure.

Further procedure

7.—(1) Where the review panel consider that further procedure is desirable to assist them in the preparation of their report, the review panel may determine the manner in which the appeal is to be conducted.

(2) The review panel may determine—

- (a) that further representations should be made or further information should be made available or provided to enable the appeal to be determined; and
- (b) how such further representations or further information should be made available or provided

(3) Where the review panel request that further representations should be made or further information should be made available or provided to them by means of—

- (a) written submissions, regulation 8 applies;
- (b) a hearing session, the Hearing Session Rules apply.

(4) Notices given under regulation 8(1) or rule 1(1) of the Hearing Session Rules may be given separately or combined into a single notice.

Written submissions

8.—(1) Where the review panel request that further representations should be made or further information should be provided by means of written submissions, the review panel are to do so by giving written notice to that effect to—

- (a) both the community transfer body and the relevant authority; and
- (b) any other person from whom the review panel wish to receive further representations or information.

(2) The notice given under paragraph (1) is to—

- (a) set out the matters on which such further representations or information is requested;

(b) specify the date by which and how such further representations or information are to be sent to the review panel; and

(c) state the name and address of any person to whom the notice is given.

(3) Any further representations made or information provided in response to the notice given under paragraph (1) (“additional material”) are to be sent to the review panel on or before the date specified for that purpose in the notice and a copy of any additional material is to be sent on or before that date to any other person to whom the notice was given.

(4) Within a period of 10 working days beginning with the date of receipt of a copy of the additional material, any person to whom the notice under paragraph (1) was given—

(a) may send comments to the review panel in respect of the additional material; and

(b) must, when doing so, send a copy of such comments to any other person to whom the notice was given under paragraph (1).

(5) A copy of any additional material or any comments required to be sent to a person under this regulation is to be sent to the person at the address stated for that person in the notice given under paragraph (1).

(6) In this regulation “additional material” has the meaning given in paragraph (3).

New evidence

9. If, after conclusion of any further procedure or after consideration of any report by the review panel, the Scottish Ministers propose to take into consideration any new evidence which is material to the determination of the appeal, the Scottish Ministers must not reach a decision on the appeal without affording the community transfer body and the relevant authority an opportunity of making representations on such new evidence.

Decision notice

10. The Scottish Ministers must give notice of their decision on the appeal to the community transfer body and to the relevant authority.