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SCOTTISH STATUTORY INSTRUMENTS

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**2017 No. 239**

**The General Teaching Council for  
Scotland (Legal Assessor) Rules 2017**

**Functions of a legal assessor**

**3.—**(1) This rule applies to proceedings held by the GTCS under paragraph 2 of schedule 4 of the Order, in relation to questions of law that arise—

- (a) in the course of any hearing before a panel of members appointed by the GTCS; or
- (b) where such a panel is otherwise adjudicating on, or considering, any matter.

(2) The legal assessor is to advise the GTCS on any such questions of law in accordance with this rule.

(3) The legal assessor may give advice in relation to the drafting of written decisions and the structuring of reasons (such advice is not subject to the remainder of this rule).

(4) The legal assessor may—

- (a) give advice even if he or she was not present at the hearing or meeting at which the question arose; and
- (b) communicate that advice from a separate location.

(5) Any advice given by the legal assessor must—

- (a) be given in such manner as to be audible or otherwise intelligible to all parties to the proceedings; or
- (b) if given while the GTCS is deliberating in private—
  - (i) be communicated to the parties as soon as reasonably practicable, and before any decision is pronounced; or
  - (ii) be communicated to the parties immediately if the legal assessor considers it necessary.

(6) Every party must be given an opportunity to comment on any advice given by the legal assessor.

(7) The legal assessor may, following any comments made under paragraph (6), give further advice to the GTCS.

(8) If the GTCS does not accept any advice given by the legal assessor under this rule, it must make a statement to that effect, setting out the reasons for not accepting the advice, during the proceedings or when it gives its decision, if that is given later.