

SCHEDULE

THE FIRST-TIER TRIBUNAL FOR SCOTLAND HEALTH AND EDUCATION CHAMBER RULES OF PROCEDURE 2018

PART 3

Procedure in respect of disability claims under paragraph 8 of schedule 17 of the 2010 Act.

Directions

71.—(1) A legal member may, at any time before the hearing, either on the written application of a party or on the legal member's own initiative, give such directions to either or both parties as the legal member may consider necessary or expedient to further the overriding objective in the consideration of the claim and may in particular—

- (a) direct a party to provide any further information or particulars;
- (b) direct a party to produce any document which may reasonably be required and which it is in the power of that party to produce;
- (c) direct that a party shall supply a list of documents and a list of witnesses whom that party intends to call to give evidence at the hearing, on such date before the hearing as may be specified;
- (d) give directions as to the dates by which any documents or other evidence which any party is intending to rely on or produce shall be submitted;
- (e) where a party has notified that they do not wish to attend a hearing, give a direction as to the date by which that party shall send any written representations on the case to the First-tier Tribunal;
- (f) give a direction on—
 - (i) any issues on which evidence is required;
 - (ii) the nature of the evidence so required;
 - (iii) the way in which the evidence is to be provided to the First-tier Tribunal; and
 - (iv) the exclusion of any evidence which is irrelevant, unnecessary or improperly obtained.

(2) Where an application is made by a party for a direction under paragraph (1), it shall be made in writing to the First-tier Tribunal specifying the direction sought and the basis for the application.

(3) On receipt of such an application, the First-tier Tribunal shall, unless the application is accompanied by the written consent of the other party, send a copy of the application to the other party inviting the party to make written representations on it within 10 working days or such other period as may be specified by a legal member.

(4) Where a party objects to the application, a legal member shall consider the objection and, if considered necessary for deciding the application, may afford the parties an opportunity to be heard.

(5) The First-tier Tribunal shall give notice to the parties of any direction to any party required to comply with it and shall—

- (a) include a statement of the possible consequences of failure to comply as mentioned in rule 73; and

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- (b) unless the party to whom the direction is addressed had consented to the application, contain a statement to the effect that that party may apply to a legal member under rule 72 to have that direction varied or set aside.
- (6) When making a direction under paragraph (1)(b) a legal member may—
- (a) impose a condition on the supply of a document that the party receiving the document shall treat it as confidential and shall use it only for the purposes of the claim; and
 - (b) require, before the direction takes effect, a written undertaking to that effect from that party.