

1974 No. 1701 (S. 154)

EDUCATION, SCOTLAND

The Independent Schools Tribunal (Scotland) (Amendment)

Rules 1974

Made - - - - - 11th October 1974

Coming into Operation 15th November 1974

The Lord President of the Court of Session, in exercise of the powers conferred upon him by Section 116(1) of the Education (Scotland) Act 1962(a), after consultation with the Council on Tribunals in accordance with Section 10 of the Tribunals and Inquiries Act 1971(b), and with the approval of the Treasury, hereby makes the following Rules with the concurrence of the Secretary of State:—

1.—(1) These Rules may be cited as the Independent Schools Tribunal (Scotland) (Amendment) Rules 1974 and shall come into operation on 15th November 1974.

(2) The Interpretation Act 1889(c) shall apply to the Interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

(3) In these Rules “the principal Rules” means the Independent Schools Tribunal (Scotland) Rules 1961(d).

2. Rules 4 and 5 of the principal Rules shall be deleted and there shall be substituted therefor the following:—

“4. If an appellant at any time before the hearing gives notice in writing to the Secretary of the Tribunal that he desires to withdraw his appeal, the Tribunal shall hear and determine the appeal in his absence.

“5. If an appellant or the Secretary of State fails to appear at the time fixed for the hearing of the appeal, the Tribunal may hear and determine the appeal in his absence”.

3. Rule 6 of the principal Rules shall be deleted and there shall be substituted therefor the following:—

“6.—(1) An appellant may appear and be heard in person, by counsel or solicitor or by any other person allowed by the Tribunal to appear on his behalf, and if a partnership by a partner, and if a Company, by a duly authorised director or officer of the company.

(2) The Secretary of State may appear and be heard by counsel or solicitor or by any officer of his department”.

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(a) 1952 c. 47  
(c) 1889 c. 63.

(b) 1971 c. 62.  
(d) S.I. 1961/2402 (1961 III, p. 4449).

4. At the end of Rule 8 there shall be added the following:—

“(5) The Tribunal shall not reject any evidence on the ground only that such evidence would be inadmissible in a Court of Law.”

5. Paragraph (1) of Rule 12 of the principal Rules shall be deleted and the following paragraph shall be substituted therefor:—

“(1) The Chairman of the Tribunal shall be remunerated at the rate of £22, and the members at the rate of £10.50 each, for each day on which the Tribunal sits.”

6. Sub-paragraph (2) of the Second Schedule to the principal Rules shall be deleted, and the following shall be substituted therefor:—

“(2) Where, for the purpose of attending the hearing, the Chairman or member—

(a) is absent from home for a period of more than five but less than ten hours, £0.48; or for a period exceeding ten hours, £1.05;

(b) spends one or more nights away from home, £7.25 for each night”.

G. C. Emslie

Edinburgh,  
11th October 1974

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### EXPLANATORY NOTE

*(This Note is not part of the Rules.)*

These Rules amend the Independent Schools Tribunal (Scotland) Rules 1961 by varying the consequences in the event of an abandonment of an appeal or of default being made in appearance, by extending the right of audience, by varying the procedure at the hearing and by making new provision for the payment of remuneration and expenses to the Chairman and members of the Tribunal.