
STATUTORY INSTRUMENTS

1974 No. 2068

**The Health and Safety Licensing Appeals
(Hearings Procedure) (Scotland) Rules 1974**

Procedure at hearing

8.—(1) Except as otherwise provided in these Rules, the procedure at the hearing shall be such as the appointed person shall in his discretion determine and the appointed person shall state at the commencement of the hearing the procedure which, subject to consideration of any submission by the parties, he proposes to adopt, and shall inform the parties what he proposes as regards any site inspection arising out of the hearing.

(2) Unless in any particular case the appointed person with the consent of the appellant otherwise determines, the appellant shall be heard first; the other persons entitled or permitted to appear shall be heard in such order as the appointed person may determine; and any closing statements shall be made in the same order, unless the appointed person otherwise determines.

(3) The parties shall be entitled to make an opening statement, to call evidence and to cross-examine persons giving evidence, but any other person appearing at the hearing may do so only to the extent permitted by the appointed person.

(4) The appointed person shall not require or permit the giving or production of any evidence, whether written or oral, which would be contrary to the public interest; but, save as aforesaid, any evidence may be admitted at the discretion of the appointed person, who may direct that documents tendered in evidence may be inspected by any person entitled or permitted to appear at the hearing and that facilities be afforded him to take or obtain copies thereof.

(5) The appointed person may allow the licensing authority or the appellant, or both of them, to alter or add to the submissions contained in any statement served under rule 5(1) or (4), or to any list of documents which accompanied such statement, so far as may be necessary for the purpose of determining the questions in controversy between the parties, but shall (if necessary by adjourning the hearing) give the appellant or the licensing authority, as the case may be, an adequate opportunity of considering any such fresh submission or document.

(6) If any person entitled to appear at the hearing fails to appear, the appointed person may proceed with the hearing at his discretion.

(7) The appointed person shall be entitled (subject to disclosure thereof at the hearing) to take into account any written representations or statements received by him before the hearing from any person.

(8) The appointed person may from time to time adjourn the hearing, and where he does so, shall give reasonable notice to every person entitled or permitted to appear at the hearing of the date, time and place of the adjourned hearing, provided that where the date, time and place of the adjourned hearing are announced at the hearing, no further notice shall be required.