
STATUTORY INSTRUMENTS

1996 No. 1644 (S.140)

POLICE

The Police Appeals Tribunals (Scotland) Rules 1996

<i>Made</i>	- - - -	<i>19th June 1996</i>
<i>Laid before Parliament</i>		<i>11th July 1996</i>
<i>Coming into force</i>	- -	<i>1st August 1996</i>

The Secretary of State, in exercise of the powers conferred on him by section 30 of the Police (Scotland) Act 1967(1) as read with Schedule 3 to that Act, and of all other powers enabling him in that behalf, and after consultation with the Council on Tribunals (which has consulted its Scottish Committee) in accordance with section 8(1) of the Tribunals and Inquiries Act 1992(2), hereby makes the following Rules:

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Police Appeals Tribunals (Scotland) Rules 1996 and shall come into force on 1st August 1996.

(2) In these Rules, unless the context otherwise requires—

“the Act” means the Police (Scotland) Act 1967;

“appeal” means an appeal by a constable which is made under section 30(1) of the Act;

“the appellant” means the constable making an appeal;

“Conduct Regulations” means the Police (Conduct) (Scotland) Regulations 1996(3);

“disputed decision” means the decision which is the subject of the appeal;

“Efficiency Regulations” means the Police (Efficiency) (Scotland) Regulations 1996(4);

“inefficiency hearing” means an inefficiency hearing which the appellant was required to attend in terms of regulation 13 of the Efficiency Regulations;

“misconduct hearing” means—

(a) in the case of an appellant who is not a senior officer, a hearing which the appellant was required to attend pursuant to regulation 10 of the Conduct Regulations; or

(1) 1967 c. 77; section 30 was substituted by the Police and Magistrates' Courts Act 1994 (c. 29) (“the 1994 Act”), section 55(1); Schedule 3 was substituted by the 1994 Act, section 55(2).

(2) 1992 c. 53.

(3) S.I. 1996/1642.

(4) S.I.1996/1643.

- (b) in the case of an appellant who is a senior officer, a hearing which the appellant was required to attend pursuant to regulation 14 of the Senior Officers' Conduct Regulations;
- “the Registrar” means the officer of the relevant police authority who is appointed to perform the functions of the Registrar specified in these Rules;
- “relevant police authority” has the same meaning as in paragraph 10 of Schedule 3 to the Act;
- “representative”, in relation to a party, means the person who may in terms of paragraph 6(2) of Schedule 3 to the Act represent the party at a hearing of an appeal;
- “the respondent” has the meaning assigned by rule 3;
- “senior officer” has the same meaning as in paragraph 10 of Schedule 3 to the Act;
- “Senior Officers' Conduct Regulations” means the Police (Conduct) (Senior Officers) (Scotland) Regulations 1996(5);
- “statement of case” means—
- (a) in the case of an appellant, the statement which he is required to send in accordance with rule 4 together with any adjustments made in accordance with rule 6; and
 - (b) in the case of the respondent, the statement which he is required to send in accordance with rule 5 together with any adjustments made in accordance with rule 6;
- “the tribunal” means the police appeals tribunal appointed under paragraph 1 or 2 of Schedule 3 to the Act in relation to the appeal.

(3) Unless the context otherwise requires, any reference in these Rules to a numbered rule is a reference to the rule bearing that number in these Rules; and any reference in a Rule to a numbered paragraph is a reference to the paragraph bearing that number in that Rule.

The Registrar

2.—(1) For the purposes of these Rules, the Registrar means an officer (not being a constable)—

- (a) of the relevant police authority who is appointed by that authority to perform the functions of the Registrar specified in these Rules in relation to any appeal brought by a constable of the police force maintained for the area of that authority; or
- (b) where the appellant is a constable of a police force for a combined police area, of the relevant joint police board who is appointed by that board to perform the functions of the Registrar in relation to any appeal brought by a constable of the police force for the relevant combined police area.

(2) On receipt of a notice of appeal by a senior officer, the Registrar shall forthwith request the Secretary of State to appoint the members of the tribunal which shall determine the appeal in accordance with the Act and these Rules.

(3) The Secretary of State shall inform the Registrar, as soon as he has made the required appointments, of the names and addresses of the members of the tribunal whom he has appointed under paragraph 1 of Schedule 3 to the Act.

(4) On receipt of a notice of appeal by a constable who is not a senior officer, the Registrar shall forthwith request the police authority to appoint the members of the tribunal which shall determine the appeal in accordance with the Act and these Rules.

(5) The chairman of the police authority shall inform the Registrar, as soon as the authority has made the required appointments, of the names and addresses of the members of the tribunal which the authority has appointed under paragraph 2 of Schedule 3 to the Act.

(6) The Registrar shall keep a register (“the Police Appeals Tribunal Register”) of all appeals brought by constables of the police force maintained for the area of the relevant police authority or, as the case may be, the relevant combined police area.

(7) Any functions of the Registrar specified in these Rules may be performed by another officer (not being a constable) of the same police authority or, as the case may be, joint police board who is appointed by that authority or board to act as an assistant to the Registrar.

The respondent

3. On any appeal to a police appeals tribunal under section 30(1) of the Act the respondent shall be—

- (a) in the case of an appeal by a senior officer, the police authority for the area for which the police force of which the appellant is a constable is maintained; and
- (b) in the case of an appeal by a constable who is not a senior officer, the chief constable of the police force of which the appellant is a constable.

Notice of appeal

4.—(1) An appeal which may be made under section 30 of the Act to a police appeals tribunal shall be made by written notice sent by the appellant to the Registrar.

(2) The notice of appeal shall state—

- (a) the name and address of the appellant;
- (b) that the notice is a notice of appeal;
- (c) the date and any reference number of the disputed decision and the name and address of the respondent; and
- (d) the name and address of the representative of the appellant, if any, and whether the tribunal should send replies or notices concerning the appeal to the representative instead of the appellant.

(3) The appellant shall attach to the notice of appeal—

- (a) a statement setting out fully on what grounds the appeal is made;
- (b) a copy of the disputed decision including, in the case of an appellant who is not a senior officer, the decision of the chairman of the misconduct hearing held in terms of the Conduct Regulations or, as the case may be, the decision of the chairman of the inefficiency hearing held in terms of the Efficiency Regulations; and
- (c) any documentary evidence upon which the appellant intends to rely for the purposes of the appeal.

(4) The appellant or his representative shall sign the notice of appeal.

(5) The appellant shall send the notice of appeal, together with the statement and documents referred to in paragraph (3), to the Registrar not later than 28 days after the date on which the disputed decision against which the appeal is made was given to or served upon the appellant.

(6) Where the appellant considers that he cannot provide with the notice of appeal any document required by paragraph (3), he may include in the notice of appeal a request for an extension of the time limit for the submission of any such document which sets out the reasons why an extension is requested.

(7) At the same time as he complies with paragraph (5), the appellant shall send a copy of the notice of appeal and of the statement and other documents referred to in paragraph (3) to the respondent.

- (8) Following receipt of the notice of appeal and accompanying documents, the Registrar shall—
- (a) send an acknowledgement of the receipt to the appellant;
 - (b) enter particulars of the appeal in the Police Appeals Tribunal Register;
 - (c) send written notice to the appellant and the respondent of the reference number of the appeal and of the address to which any communication to the Registrar concerning the appeal should be sent; and
 - (d) when he has been notified of the names and addresses of the members of the tribunal, provide each member with a copy of the notice of appeal and of any accompanying documents.
- (9) Where the appellant's notice of appeal includes a request as mentioned in paragraph (6), the chairman of the tribunal shall decide the matter as soon as reasonably practicable.

Reply by the respondent

- 5.—(1) The respondent shall, not later than 21 days after the date on which a copy of the notice of appeal was sent to him in terms of rule 4(7), send to the Registrar a notice stating—
- (a) whether or not the respondent intends to oppose the appeal; and
 - (b) the name and address of any representative of the respondent to whom any communication relating to the appeal should be sent.
- (2) Where the respondent intends to oppose the appeal, the respondent shall attach to the notice—
- (a) a statement setting out fully on what grounds the appeal is opposed and any representations with respect to the information contained with the appellant's notice of appeal;
 - (b) where the disputed decision was made under the Conduct Regulations, a certified copy of—
 - (i) the misconduct form prepared in connection with the proceedings which were the subject of the misconduct hearing;
 - (ii) the written note summarising the proceedings at the misconduct hearing prepared by the chairman of that hearing in terms of those Regulations; and
 - (iii) the document prepared by the chief constable in terms of regulation 21(6) of those Regulations;
 - (c) where the disputed decision was made under the Senior Officers' Conduct Regulations, a certified copy of—
 - (i) the report of the tribunal submitted in terms of regulation 23(1) of those Regulations; and
 - (ii) the discipline form prepared in connection with the proceedings which were the subject of the misconduct hearing and which includes the decision of the police authority under regulation 25(2) of those Regulations;
 - (d) where the disputed decision was made under the Efficiency Regulations, a certified copy of—
 - (i) the written note summarising the proceedings of the inefficiency hearing prepared by the chairman of that hearing in terms of those Regulations;
 - (ii) the notice requiring the constable to attend that hearing; and
 - (iii) the decision of the chief constable notified in terms of regulation 21(7) of those Regulations; and
 - (e) any documentary evidence upon which the respondent intends to rely for the purposes of opposing the appeal.

- (3) The notice and statement submitted in terms of paragraph (2)(a) shall be signed—
- (a) where the respondent is the chief constable, by the chief constable or, in his absence, by an assistant chief constable of the relevant police force; or
 - (b) where the respondent is a police authority, by an officer of the authority who is authorised to sign such documents.

(4) Where the respondent considers that he or, as the case may be, they cannot provide with the notice under paragraph (1) any document required by paragraph (2), he or they may include in the notice a request for an extension of the time limit for submission of any such document which sets out the reasons why an extension is requested.

(5) At the same time as the respondent complies with paragraph (1), the respondent shall send a copy of the notice and, where applicable, the statement and other documents referred to in paragraph (2) to the appellant.

- (6) Following receipt of the notice sent pursuant to paragraph (1), the Registrar shall—
- (a) send an acknowledgement of the receipt to the respondent; and
 - (b) provide each member of the tribunal with a copy of the notice and of any accompanying documents.

(7) Where the respondent's notice includes a request as mentioned in paragraph (4), the chairman of the tribunal shall decide the matter as soon as reasonably practicable.

Adjustment of statements

6.—(1) Following receipt of the notice sent pursuant to rule 5(1), the Registrar shall send to each of the parties a notice informing the party that he may make adjustments to his statement of case by sending a note of any adjustments to the Registrar, and a copy thereof to the other party, not later than 21 days after the date on which the notice is sent.

(2) Either party may make adjustments to his statement of case at any time after the expiry of the period mentioned in paragraph (1) with the leave of the tribunal and subject to such terms as it thinks fit.

(3) In any case where the leave of the tribunal is given for the purpose of paragraph (2), the party shall send a note of the adjustments to the Registrar and a copy thereof to the other party.

Preliminary consideration by the tribunal

7. Not later than 3 months after the date on which the Registrar received the notice of appeal under rule 4, the tribunal shall—

- (a) consider the parties' statements of case and any adjustments made in terms of rule 6(1) and any other documents which they have submitted in support of their case; and
- (b) decide whether—
 - (i) a hearing of the appeal should be held; or
 - (ii) the parties should be notified that the tribunal is minded to determine the appeal without a hearing.

Procedure where the tribunal proposes to determine appeal without a hearing

- 8.—(1) This rule applies where the tribunal, having considered—
- (a) the parties' statements of case and any adjustments made before the Registrar notifies the parties as mentioned in rule 6(1); and
 - (b) any other documents which they have submitted in support of their case,

is minded to determine the case without a hearing.

(2) In a case to which this rule applies, the tribunal shall require the Registrar to send a written notice to the parties stating that—

- (a) the tribunal is minded to determine the case without a hearing;
- (b) each party may make written or oral representations to the tribunal on the issue of whether the case may be determined without a hearing;
- (c) any written representations for the said purpose must be made not later than 14 days after the date on which the Registrar sends the notice; and
- (d) if a party intends to make oral representations for the said purpose, he must request in writing the opportunity to do so not later than 7 days after the date on which the Registrar sends the notice.

(3) Where the Registrar receives from a party any written representations or any request in terms of sub-paragraph (c) or (d) of paragraph (2), he shall send a copy of the same to the other party and to the members of the tribunal.

(4) Where a party has requested the opportunity to make oral representations, the Registrar shall, after consultation with the chairman of the tribunal and with due regard to the convenience of the parties, fix the time and place at which the parties may make oral representations and, not less than 14 days before the date so fixed (or such shorter time as the parties agree), send to each party a notice that they may make oral representations at such time and place if they so wish.

(5) A party wishing to appear before the tribunal for the purposes of making oral representations for the purposes of paragraph (2) may be represented by any person who may represent him at a hearing fixed in accordance with rule 9.

Notice of hearing

9.—(1) Where the tribunal decides that a hearing of the appeal should be held, the Registrar shall, with due regard to the convenience of the parties, fix the time and place of the hearing and, not less than 21 days before the date so fixed (or such shorter time as the parties agree), send to each party a notice that the hearing is to be at such time and such place.

(2) The hearing of the appeal shall be fixed so as to commence not later than 6 months after the date on which the Registrar received the notice of appeal under rule 4.

(3) The Registrar shall include with the notice of hearing—

- (a) information and guidance as to attendance at the hearing of the parties and witnesses and the right to be represented as specified in paragraph 6(2) of Schedule 3 to the Act;
- (b) a statement of the right of the parties to ask for and to receive reasons in writing for a decision of the tribunal; and
- (c) a statement explaining the possible consequences of non-attendance and of the right of an appellant, and of any respondent who has presented a reply, who does not attend and is not represented, to make representations in writing.

(4) Subject to paragraph (2), the tribunal may alter the time and place of the hearing and the Registrar shall give the parties not less than 7 days (or such shorter time as the parties agree) notice of any such alteration; but any altered hearing date shall not (unless the parties agree) be before the date notified under paragraph (1).

Attendance of witnesses and production of documents

10.—(1) For the purposes of requiring any person to attend a hearing fixed in accordance with rule 9 and to give evidence thereat, or to produce documents which relate to any matter in question

at such a hearing, the provisions of subsections (4) and (5) of section 210 of the Local Government (Scotland) Act 1973(6) shall apply as if—

- (a) references to a local inquiry were references to such a hearing;
- (b) references to the person appointed to hold the inquiry, or to the person holding the inquiry, were references to the chairman of the tribunal; and
- (c) the reference to “this section” in subsection (5) of section 210 were a reference to this rule.

(2) Subject to the following paragraph of this rule, the chairman of the tribunal may at any time exercise the powers conferred on him by paragraph (1) to require any person to attend to give evidence or to produce any books or other documents—

- (a) on the application of a party; or
- (b) where he is authorised to do so by the tribunal on its own motion.

(3) An application by a party for the purposes of paragraph (2) shall be made in writing to the Registrar and, unless it is accompanied by the written consent of the other party, the Registrar shall send a copy of the application to the other party.

(4) Where a party makes an application for the purposes of paragraph (2), which is not accompanied by the written consent of the other party, the chairman of the tribunal shall not determine the application until—

- (a) except where the other party agrees, the period within which objections may be made has elapsed; and
- (b) any objection has been considered by the tribunal.

(5) If the other party objects to the application within 7 days after the date on which the copy is sent to him, the tribunal shall consider the objection and, if it considers it necessary for the determination of the application, shall give the parties an opportunity of appearing before it.

(6) A party who is given the opportunity of appearing before the tribunal for the purpose mentioned in paragraph (5) may be represented by any person who may represent him at a hearing fixed in accordance with rule 9.

(7) Where any written notice requiring any person to attend to give evidence or to produce any books or other documents is made by virtue of this rule, the Registrar shall—

- (a) forthwith send the notice signed by the chairman of the tribunal to the person who is named in the notice as the person subject to the requirement specified;
- (b) send a copy of the notice—
 - (i) where the notice was sent to a person who is not a party, to the parties; or
 - (ii) where the notice was sent to one party, to the other party; and
- (c) provide each member of the tribunal with a copy of the notice and enter particulars of the notice in the Police Appeals Tribunal Register.

Withdrawal of appeal

11. The appellant may—

- (a) at any time before—
 - (i) where the tribunal is minded to determine the appeal without a hearing, the date on which it decides so to determine it; or
 - (ii) in any other case, the hearing of the appeal,

(6) 1973 c. 65; section 210(5) was amended by virtue of the Criminal Procedure (Scotland) Act 1975 (c. 21), sections 289F and 289G (as inserted by the Criminal Justice Act 1982 (c. 48), section 54).

withdraw his appeal by sending to the Registrar a notice stating he withdraws his appeal signed by him or his representative; or

- (b) at the hearing of the appeal, with the leave of the tribunal, withdraw his appeal.

Hearings to be in private

12.—(1) A hearing fixed in accordance with rule 9 shall be in private unless the tribunal with the consent of the parties directs that the hearing, or a part of it, shall be in public.

(2) A member of the Council on Tribunals or of the Scottish Committee of that Council shall be entitled to attend the hearing of the appeal, whether or not it is in private.

(3) Where the tribunal sits in private it may admit to the hearing such other persons on such terms and conditions as it considers appropriate.

Exclusion of persons disrupting proceedings

13. Without prejudice to any other powers it may have, the tribunal may exclude from the hearing, or part of it, any person whose conduct has disrupted or is likely, in the opinion of the tribunal, to disrupt the hearing.

Failure of parties to attend hearing

14.—(1) If a party fails to attend or be represented at a hearing of which he has been duly notified in terms of rule 9, the tribunal may—

- (a) unless it is satisfied that there is sufficient reason for such absence, hear and determine the appeal in the party's absence; or
(b) adjourn the hearing.

(2) Before deciding to dispose of the appeal in the absence of a party, the tribunal shall consider the party's statement of case and any other documents submitted by him in relation to the appeal.

Procedure at the hearing

15.—(1) Subject to the provisions of these Rules—

- (a) the procedure at a hearing of an appeal shall be determined by the tribunal who shall have power to hear any new evidence or to re-hear the evidence given at the misconduct hearing or inefficiency hearing; and
(b) the tribunal shall conduct the hearing in such manner as it considers most suitable to the clarification of the issues before it and generally to the just handling of the proceedings; it shall so far as appears to it appropriate seek to avoid formality in its proceedings.

(2) At the beginning of the hearing the chairman of the tribunal shall explain the order of proceedings which the tribunal proposes to adopt.

(3) Each party shall be heard in such order as the Tribunal shall determine and shall be entitled—

- (a) to give evidence;
(b) to call witnesses and to question any witnesses called by the other party; and
(c) to address the tribunal both on the evidence and generally on the subject matter of the appeal.

(4) Any member of the tribunal may put questions to the parties or their representative and to any witnesses called by the parties.

(5) At the hearing of the appeal the tribunal may, if it is satisfied that it is just and reasonable to do so, permit a party to rely on grounds not stated in his statement of case, or any adjustment of it made in terms of rule 6, and to adduce any evidence not submitted with the statement.

(6) If, after the commencement of the hearing, a member of the tribunal (other than the chairman) is absent, the appeal may, with the consent of the parties, be heard by the other members and, in that event, the tribunal shall be deemed to be properly constituted.

(7) The tribunal may from time to time adjourn the hearing and, if the time and place of the adjourned hearing are announced before the adjournment, no further notice shall be required.

Decision of the tribunal

16.—(1) Subject to paragraphs (3) and (4), the tribunal shall determine the appeal—

(a) where no hearing has been held, after consideration of any representations made by virtue of rule 8; or

(b) where a hearing has been held, either at the end of the hearing or, where the tribunal reserves its decision, at a later date.

(2) The decision of the tribunal may be taken by a majority and the chairman shall record whether the decision was unanimous or taken by a majority.

(3) The decision of the tribunal shall be made—

(a) where no hearing has been held pursuant to rule 9, not later than 6 months after the date on which the Registrar received the notice of appeal under rule 4; or

(b) where a hearing has been so held, not later than one month after the end of the hearing.

(4) Subject to paragraph (5), where a decision cannot be made within the relevant period mentioned in paragraph (3) by reason of any member of the tribunal being incapable of carrying out his duties—

(a) the time limits specified in paragraph (3) shall not apply; and

(b) in such a case the decision of the tribunal shall be made as soon as reasonably practicable after the date on which the member's incapacity ceases.

(5) Notwithstanding paragraph (4), an appeal may be determined by the tribunal in the absence of a member (other than the chairman) if the parties consent to the tribunal proceeding to a determination in the absence of that member.

(6) The decision of the tribunal shall be recorded not later than 7 days after the date on which it is made in a document which shall contain—

(a) the terms of the order made by the tribunal in determining the appeal including any direction as to expenses which the tribunal makes by virtue of paragraph 9(1) of Schedule 3 to the Act; and

(b) a statement of the reasons for the decision,

and shall be signed and dated by the chairman of the tribunal.

(7) The Registrar shall forthwith send a copy of the document to—

(a) each party; and

(b) the Secretary of State.

(8) The Registrar shall also send to each Registrar appointed by every police authority other than the relevant authority a copy of the document marked in such a manner which ensures that the identity of either of the parties to the appeal is not disclosed and not capable of being disclosed.

Irregularities

17.—(1) Any irregularity resulting from failure to comply with any provision of these Rules or of any direction of the tribunal before it has reached its decision shall not of itself render the proceedings void.

(2) Where any such irregularity comes to the attention of the tribunal, it may, and shall if it considers that a party may have been prejudiced by that irregularity, give such directions to cure or waive the irregularity as it thinks just before reaching its decision.

(3) Clerical mistakes in any document recording a direction or decision of the chairman or of the tribunal, or errors arising in such a document from an accidental slip or omission, may be corrected by the chairman by certificate under his hand.

Proof of documents and certification of decisions

18. Any document purporting to be a document duly signed by the chairman of the tribunal or signed or issued on behalf of the tribunal by the Registrar, shall, unless the contrary is proved, be deemed to be a document so signed or issued as the case may be.

Sending of documents etc.

19.—(1) Any document or thing required or authorised by these Rules to be sent to any person shall be duly sent to that person—

- (a) if it is sent to him at his proper address by post in a registered letter or by recorded delivery; or
- (b) if it is delivered to him or left at his proper address.

(2) Any notice or document required or authorised by these Rules to be sent by any person shall be treated as having been sent—

- (a) where it is sent by post, on the date on which it is received for despatch by the Post Office; or
- (b) where it is delivered or left at the proper address, the date on which the person to whom it is addressed receives it.

(3) The proper address of any person to whom any document or thing is required or authorised to be sent in terms of these Rules shall be—

- (a) in the case of the Registrar, the principal offices of the relevant police authority;
- (b) in the case of an incorporated company or body, the registered or principal office of the company or body; and
- (c) in any other case, the last known address of the person in question.

St Andrew's House,
Edinburgh
19th June 1996

James Douglas-Hamilton
Minister of State, Scottish Office

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules make provision as to the procedure on appeals by constables under section 30 of the Police (Scotland) Act 1967 (“the 1967 Act”) to a police appeals tribunal.

Rule 2 makes provision with respect to the appointment of an officer of the police authority (or, as the case may be, joint police board) to act as the Registrar in terms of the Rules. Certain functions of the Registrar are prescribed including a requirement to keep the Police Appeals Tribunal Register for the relevant area.

Rule 3 prescribes the police authority as the respondent where an appeal is by a senior officer and the chief constable in other cases.

The procedure for the making of an appeal by notice is prescribed in rule 4. Except where an extension is permitted, an appellant has 28 days following the decision being appealed to send a notice of appeal.

In terms of rule 5, the respondent has 21 days from the date on which he is notified of the appeal in which to notify his intention to oppose the appeal. The respondent requires to submit various documents if the appeal is opposed.

Rule 6 sets out a procedure for the adjustment of each party’s statement of case.

In terms of rule 7, the tribunal requires to reach a preliminary decision as to the procedure to follow not later than 3 months after the date on which the notice of appeal was submitted.

Paragraph 6 of Schedule 3 to the 1967 Act provides that a tribunal may determine a case without a hearing provided that the parties are given an opportunity to make representations on this proposal. Rule 8 makes provision for the procedure where a tribunal is minded to determine a case without a hearing. If a party requests the opportunity to make oral representations with regard to the proposal not to hold a hearing of the appeal, arrangements must be made for this purpose.

Rule 9 makes provision for fixing a hearing of the appeal where the tribunal decides to proceed in this way.

Rule 10 makes provision for requiring witnesses to attend a hearing or for persons to produce relevant documents. The chairman of the tribunal may issue a notice either on the application of a party or on the authority of the tribunal on its own motion. The provisions of section 210(4) and (5) of the Local Government (Scotland) Act 1973 are applied with modifications. These provisions empower the chairman to require attendance or production subject to certain conditions. Refusal or wilful neglect to attend in obedience to a notice or to fail to produce documents or otherwise interfere with the documents is an offence. Provision is also made with respect to objections to applications by a party for the issuing of a notice under rule 10.

Rule 11 enables the appellant to withdraw his appeal subject to certain conditions.

Rule 12 provides that hearings shall be in private unless the tribunal with the consent of the parties otherwise directs. A member of the Council on Tribunals or of the Scottish Committee of the Council may attend hearings.

Rules 13 to 15 provide for procedural matters relating to hearings before a tribunal. Procedure is within the discretion of the tribunal subject to these provisions. Parties are entitled to give evidence, call witnesses and to address the tribunal.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Rule 16 makes provision with respect to the tribunal's decision. With certain exceptions, the decision requires to be made within the period of 6 months from receipt of the notice of appeal if no hearing takes place or within one month after a hearing.

Rule 17 makes provision for dealing with irregularities resulting from failure to comply with the Rules or a direction of the tribunal.

Rules 18 and 19 make provision with respect to proof of documents, certification of decisions and sending of documents.