

SCHEDULE 2

(introduced by section 75)

SCOTTISH CHARITY APPEALS PANEL

Panel members

- 1 (1) The Scottish Ministers must appoint such number of persons as they think fit to be eligible (for such period, not exceeding 5 years, as the Scottish Ministers may specify) to serve as members of a Panel constituted under section 75(1).
- (2) At least one of the persons so appointed must be, and have been for at least 5 years—
 - (a) a solicitor holding a practising certificate issued in accordance with Part 2 of the Solicitors (Scotland) Act 1980 (c. 46), or
 - (b) an advocate.
- (3) An individual is disqualified from being so appointed, and from being appointed as or being a Panel member, if the individual is—
 - (a) a Lord of Appeal in Ordinary or holds any of the judicial offices specified in Part 1 of schedule 1 to the House of Commons Disqualification Act 1975 (c. 24),
 - (b) a member of the Scottish Parliament,
 - (c) an office-holder in the Scottish Administration,
 - (d) an individual of such other description as may be prescribed by order by the Scottish Ministers.
- (4) Each Panel is to consist of 3 of the persons appointed under paragraph 1(1) (one of whom is to be appointed by the Scottish Ministers to chair the Panel).
- (5) A person appointed to chair a Panel must fall within paragraph 1(2).

Tenure and removal from office

- 2 (1) Each person appointed under paragraph 1(1)—
 - (a) is to be appointed for such period as is specified in the appointment,
 - (b) if appointed to serve as a Panel member, holds and vacates office on such terms and conditions (including remuneration and allowances) as the Scottish Ministers may determine,
 - (c) may, by notice to the Scottish Ministers, resign from being eligible to be, or from being, a Panel member,
 - (d) after ceasing to be eligible to serve as a Panel member, may be reappointed as a person eligible to serve as a Panel member.
- (2) A person appointed under paragraph 1(1) ceases to be eligible to serve as, and may not be, a Panel member if the Scottish Ministers are satisfied that the person is unable to discharge the functions of a Panel member or is unsuitable to serve, or to continue to serve, as a Panel member.

Staff, property and services

- 3 The Scottish Ministers may provide the Panel, or ensure that it is provided, with such property, staff and services as they consider necessary or expedient in connection with the exercise of its functions.

Rules of procedure

- 4 (1) The Scottish Ministers may make rules as to the practice and procedure of the Panel.
- (2) Such rules may, in particular, include provision for or in connection with—
- (a) the form and manner in which appeals to the Panel are to be made,
 - (b) the time within which such appeals are to be made,
 - (c) the lodging of documents before the Panel,
 - (d) the notification of matters specified in the rules to OSCR and any appellant,
 - (e) the periods within which proceedings must be held and decided on,
 - (f) the notification of the Panel’s decisions to OSCR and appellants,
 - (g) the time within which a decision of the Panel may be appealed to the Court of Session,
 - (h) the payment of expenses.