

Changes to legislation: Scottish Commission for Human Rights Act 2006, SCHEDULE 2 is up to date with all changes known to be in force on or before 26 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

SCHEDULE 2

(introduced by section 10(6))

INQUIRIES: SUPPLEMENTARY PROVISION AS TO EVIDENCE

Requirements to give evidence etc.

- 1 The Commission may impose a requirement on a person under section 10(1) by giving notice to the person specifying—
- (a) where the person is required to give oral evidence—
 - (i) the time and place at which the person is to attend to give evidence, and
 - (ii) the particular matter or matters about which the person is required to give evidence,
 - (b) where the person is required to produce a document or documents—
 - (i) the document, or types of documents, which the person is to produce,
 - (ii) the date by which it or they must be produced, and
 - (iii) the particular matter or matters in connection with which they are required,
 - (c) where the person is required otherwise to provide information—
 - (i) the nature of the information required,
 - (ii) the date by which it must be provided, and
 - (iii) the particular matter or matters in connection with which the information is required.

Cancellation of requirements notified under paragraph 1

- 2 (1) A person to whom notice has been given under paragraph 1 may apply to the sheriff for cancellation of any requirement imposed by the notice.
- (2) On such an application, the sheriff may cancel the requirement if satisfied that the requirement is—
- (a) unnecessary having regard to the purposes of the inquiry to which the notice relates,
 - (b) undesirable for reasons of national security, or
 - (c) otherwise unreasonable.

Administration of oaths

- 3 The Commission may—
- (a) administer an oath to any person giving evidence to it for the purposes of an inquiry, and
 - (b) require any such person to take an oath.

Obstruction and contempt

- 4 (1) Sub-paragraph (3) applies where any person to whom notice has been given under paragraph 1—
- (a) refuses or fails, without reasonable excuse, to comply with any requirement specified in the notice,

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- (b) refuses or fails, without reasonable excuse, when attending to give evidence as required by the notice—
 - (i) to take an oath on being required to do so under paragraph 3(b), or
 - (ii) to answer any question relevant to any matter specified in the notice,or
 - (c) deliberately alters, suppresses, conceals or destroys any document which the person is required by the notice to produce.
- (2) Sub-paragraph (3) also applies where the Commission considers that any such person as is mentioned in sub-paragraph (1) is likely to do any of the things specified in paragraphs (a) to (c) of that sub-paragraph.
- (3) Where this sub-paragraph applies, the Commission may report the matter to the Court of Session.
- (4) On such a report, the Court may, after hearing any evidence or representations on the matter, (either or both)—
- (a) make such order for enforcement as it sees fit,
 - (b) deal with the matter as if it were a contempt of the Court.

Allowances and expenses

- 5 The Commission may pay to persons giving evidence, producing documents or providing information pursuant to a notice given under paragraph 1 such allowances and expenses as it may, with the approval of the Parliamentary corporation, determine.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4A inserted by [2024 asp 1 s. 12\(2\)](#)
- s. 6(2A) inserted by [2024 asp 1 s. 12\(3\)](#)