Tribunals (Scotland) Act 2014

2014 asp 10

PART 7

POWERS, PROCEDURE AND ADMINISTRATION

CHAPTER 1

POWERS AND ENFORCEMENT

Cases and proceedings

61 Venue for hearings

(1) Each of the First-tier Tribunal and the Upper Tribunal may be convened at any time and place in Scotland to hear or decide a case or for any other purpose relating to its functions.

(2) Subsection (1) is subject to any provision made by Tribunal Rules as to the question of when and where in Scotland the Scottish Tribunals are to be convened (and such Rules may allow the President of Tribunals to determine the question).

Commencement Information

I1 S. 61 in force at 1.4.2015 by S.S.I. 2015/116, **art. 2**

62 Conduct of cases

(1) In relation to the things mentioned in subsection (3), each of the First-tier Tribunal and the Upper Tribunal has such powers, rights, privileges and other authority with respect to any case before it as are provided for in Tribunal Rules.

(2) Rules making provision for the purpose of subsection (1) may (in particular) do so in relation to any kind of authority by reference to any authority of a relevant description exercisable by the sheriff or the Court of Session.

(3) The things are—
- (a) the citation, attendance or examination of witnesses,
- (b) the recovery, production or inspection of relevant materials,
- (c) the commissioning of reports of any relevant type,
- (d) other procedural, evidential or similar measures.

(4) In subsection (3)(b), "materials" means documents and other items.

Commencement Information
I2 S. 62 in force at 1.4.2015 by S.S.I. 2015/116, **art. 2**

63 Enforcement of decisions

(1) A decision made by the First-tier Tribunal or the Upper Tribunal in any matter in a case before it is enforceable by the means provided for in Tribunal Rules.

(2) Subsection (1) applies to a decision—
- (a) on the merits of such a case,
- (b) as to—
  - (i) payment of a sum of money, or
  - (ii) expenses by virtue of section 64, or
- (c) otherwise affecting the rights, obligations or interests of a party in such a case.

(3) Subsection (1) is subject to section 58(3) as respects a determination to which that section relates.

(4) Rules making provision for the purpose of subsection (1) may (in particular) do so in relation to a relevant order by reference to the means of enforcing an order of the sheriff or the Court of Session.

(5) In subsection (4), "relevant order" means order of either of the Tribunals giving effect to a decision to which subsection (1) applies.

Commencement Information
I3 S. 63 in force at 1.4.2015 by S.S.I. 2015/116, **art. 2**

64 Award of expenses

(1) In connection with proceedings in a case before the First-tier Tribunal or the Upper Tribunal, the Tribunal may award expenses so far as allowed in accordance with Tribunal Rules.

(2) Where such expenses are awarded, the awarding Tribunal is to specify by and to whom they are to be paid (and to what extent).

(3) Tribunal Rules may make provision—
- (a) for scales or rates of awardable expenses,
- (b) for—

(i) such expenses to be set-off against any relevant sums,

(ii) interest at the specified rate to be chargeable on such expenses where unpaid,

(c) stating the general or particular factors to be taken into account when exercising discretion as to such expenses,

(d) about such expenses in other respects.

(4) Tribunal Rules may make provision—

(a) for disallowing any wasted expenses,

(b) for requiring a person who has given rise to such expenses to meet them.

(5) Rules making provision as described in subsection (3) or (4) may also prescribe meanings for "relevant sums", "specified rate" and "wasted expenses" as used in this section.

Commencement Information

I4 S. 64 in force at 1.4.2015 by S.S.I. 2015/116, **art. 2**

Status:
Point in time view as at 01/04/2015.

Changes to legislation:
There are currently no known outstanding effects for the Tribunals (Scotland) Act 2014, Cross Heading: Cases and proceedings.