



# Courts Reform (Scotland) Act 2014

## 2014 asp 18

### PART 1

#### SHERIFF COURTS

#### CHAPTER 2

#### JUDICIARY OF THE SHERIFFDOMS

#### *Fitness for office*

#### **23 Further provision about tribunals**

- (1) A tribunal constituted under section 21 may require any person—
  - (a) to attend its proceedings for the purpose of giving evidence,
  - (b) to produce documents in the person's custody or under the person's control.
- (2) A person on whom such a requirement is imposed is not obliged—
  - (a) to answer any question which the person would be entitled to refuse to answer in a court in Scotland,
  - (b) to produce any document which the person would be entitled to refuse to produce in such a court.
- (3) Subsection (4) applies where a person on whom a requirement has been imposed under subsection (1)—
  - (a) refuses or fails, without reasonable excuse, to comply with the requirement,
  - (b) refuses or fails, without reasonable excuse, to answer any question while attending the tribunal proceedings to give evidence,
  - (c) deliberately alters, conceals or destroys any document that the person is required to produce.
- (4) The Court of Session may, on an application made to it by the tribunal—
  - (a) make such order for enforcing compliance as it sees fit, or
  - (b) deal with the matter as if it were a contempt of the Court.

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*Status: This is the original version (as it was originally enacted).*

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- (5) The Court of Session may by act of sederunt make provision as to the procedure to be followed by and before a tribunal constituted under section 21.
- (6) The Scottish Ministers—
  - (a) must pay such expenses as they consider are reasonably required to be incurred to enable a tribunal constituted under section 21 to carry out its functions, and
  - (b) may pay such remuneration to, and such expenses of, the members of such a tribunal as they think fit.