
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 571

The Scottish Charity Appeals Panel Rules 2006

PART V

General and supplementary

Orders for expenses

21.—(1) Subject to paragraph (2), the Panel may make an order awarding expenses (including outlays)—

- (a) against the appellant (including an appellant who has withdrawn an appeal) if it is of the opinion that the appellant has acted vexatiously or that the conduct of the appellant in making or pursuing an appeal was unreasonable;
- (b) against OSCR where it considers that the decision against which the appeal is made was unreasonable;
- (c) as respects any expenses incurred, or any allowances paid, as a result of a postponement or adjournment of a hearing at the request of either the appellant or OSCR; or
- (d) as respects any expenses incurred as a consequence of the late amendment of reasons for an appeal or reply.

(2) No order may be made under paragraph (1) against the appellant or OSCR without first providing an opportunity of making representations against the making of the order.

(3) An order under paragraph (1) shall require the party against whom it is made to pay the other party either –

- (a) a specified sum in respect of the expenses incurred by that other party in connection with the proceedings; or
- (b) the whole or part of those expenses, on a scale appropriate to ordinary cause actions in the sheriff court, as assessed by the auditor of the sheriff court unless otherwise agreed between the parties.

(4) Counsel's fees and the fees for instruction of Counsel shall be allowed as an item of a party's expenses only where the Panel has sanctioned the employment of Counsel.

Irregularities

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

(2) Where any such irregularity comes to the attention of the Panel, the Panel may give any directions it considers necessary, before reaching its decision, to cure or waive the irregularity.

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

Proof of documents and decisions

23.—(1) Any document purporting to be a document duly executed or issued by or on behalf of the Panel shall, unless the contrary is proved, be deemed to be a document so executed or issued as the case may be.

(2) A document purporting to be certified by the Panel to be a true copy of any entry of a decision in the register shall, unless the contrary is proved, be sufficient evidence of the entry and of the matters contained in it.

Method of delivering and receipt of documents

24.—(1) All notices and documents required or authorised by these Rules to be sent to the Panel or the Secretary shall –

- (a) be sent to or presented at the office of the Secretary as notified by the Secretary; or
- (b) where the Secretary has notified the parties that electronic communications are accepted in relation to an appeal, be transmitted by electronic communication to a specified address for such communications.

(2) All notices and documents required by these Rules to be sent by the Panel or the Secretary to the parties may–

- (a) in the case of OSCRC–
 - (i) be sent by post or delivered to OSCRC at its principal place of business; or
 - (ii) where OSCRC have agreed to accept electronic communications, be transmitted by electronic communication to a specified address for such communications.
- (b) in the case of the appellant–
 - (i) be sent by post or delivered to the address specified in the notice of appeal (or the representative of the appellant); or
 - (ii) where the appellant has agreed to accept electronic communications, be transmitted by electronic communication to a specified address for such communications.

(3) Any notice or document sent to a person in accordance with this rule shall, unless the contrary is proved, be deemed to be received–

- (a) where the document is sent by post, on the third day after the day on which it was sent; and
- (b) in any other case, on the day on which the document was transmitted or delivered to that person.

(4) In this rule, “electronic communication” has the same meaning as that contained in section 15 of the Electronic Communications Act 2000(1).