

SCHEDULE

THE FIRST-TIER TRIBUNAL FOR SCOTLAND HEALTH AND EDUCATION CHAMBER RULES OF PROCEDURE 2018

PART 2

Procedure in Respect of references to First- tier Tribunal under section 18(1) of the 2004 Act

Recovery of documents

32.—(1) Subject to the provisions of the 2004 Act and to paragraph (2) of this rule, the First-tier Tribunal or a legal member may, on the application of any party or on its or his or her own initiative, direct that citation be sent to any person requiring that person to produce to the First-tier Tribunal, by such date as may be specified, any document in the custody, or under the control, of that person.

(2) The citation must explain that it is an offence under the Scottish Tribunals (Offences in Relation to Proceedings) Regulations 2016⁽¹⁾ to refuse or fail to produce any such document without reasonable excuse or to deliberately alter, conceal or destroy any document which that person is required by the citation to produce, and that a person guilty of such an offence may be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(3) Where such a citation has been duly served on a person and that person fails to comply within the time specified in the citation, a legal member or the First-tier Tribunal at a hearing may—

- (a) where the person in default is the appellant, dismiss the reference without a hearing or further hearing; or
- (b) where the person in default is the authority, order that the authority take no further part in the proceedings.

(4) In the exercise of the power conferred under paragraph (1) regard shall be had to the need to protect any matter that relates to intimate personal or financial circumstances of any person or consists of information communicated or obtained in confidence.

(1) [S.S.I. 2016/342](#).