

SCHEDULE

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

PART 3

Procedure in respect of disability claims under paragraph 8 of schedule 17 of the 2010 Act.

Case statement period and statement of claimant's case

64.—(1) Where rule 63 does not apply or a legal member is satisfied under rule 63(3), the First-tier Tribunal shall send notice in writing to both parties advising them of the dates of the case statement period.

(2) The case statement period shall be the period of 30 working days beginning on the date on which notice under paragraph (1) is taken to have been received in accordance with rule 104.

(3) Before the end of the case statement period, the claimant must submit all written evidence to be relied on and which has not already been submitted and may submit to the First-tier Tribunal a written statement of the claimant's case, which may include the views of the person to whom the claim relates.

(4) The claimant may amend the claim, submit a supplementary written statement of the claimant's case or amend a supplementary written statement, if permission is given by a legal member or the First-tier Tribunal at a hearing after having first sought and taken account of the views of the responsible body.

(5) The claimant shall submit to the First-tier Tribunal a copy of every amendment and supplementary statement for which permission is given.

(6) Subject to paragraphs (7) and (8), on the application of either party or on the legal member's own initiative, a legal member may make an order shortening or extending the case statement period in any claim.

(7) Before making an order under paragraph (6), the legal member shall seek oral or written representations from the parties on the issue of shortening or extending the case statement period.

(8) A legal member may only make an order under paragraph (6) if satisfied that—

- (a) both parties will have sufficient time to prepare their cases; and
- (b) it is fair and just to do so.

(9) In the case of any claim where permission is given by a legal member under paragraph (4) the legal member giving permission may extend the case statement period if satisfied that it is fair and just to do so.

(10) If, at the time permission is granted under paragraph (4), the responsible body is not entitled to take any part in the proceedings in accordance with rule 66(4), the giving of permission shall restore such entitlement and, if necessary, the hearing shall be rearranged or adjourned, as a legal member or the First-tier Tribunal at the hearing may consider appropriate, so that the responsible body can be represented.