

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.

Power to decide claim without hearing

83.—(1) A legal member may, in any of the circumstances referred to in paragraph (2), decide the claim without a hearing.

(2) For the purposes of paragraph (1) the circumstances are—

- (a) where no response is submitted to the First-tier Tribunal within the time appointed by rule 66 or any extension of time allowed under rule 75;
- (b) where the responsible body states in writing that they do not resist the claim;
- (c) where the responsible body withdraws their opposition to the claim; or
- (d) where both parties agree in writing to dispense with a hearing.

(3) In deciding a claim under paragraph (1) the legal member shall do so on the basis of the notice of claim, any response, any statement of case, any supplementary written statement of case and any written evidence submitted in accordance with the Rules.

(4) The First-tier Tribunal shall, after receipt of a claim which is to proceed without a hearing in accordance with this rule, send to the parties—

- (a) information and guidance; and
- (b) an indication of when the legal member expects to be able to notify the parties of the decision of the legal member.