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SCOTTISH STATUTORY INSTRUMENTS

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**2017 No. 239**

**EDUCATION**

**The General Teaching Council for  
Scotland (Legal Assessor) Rules 2017**

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| <i>Made</i>                                    | - - - - | <i>5th July 2017</i>    |
| <i>Laid before the Scottish<br/>Parliament</i> | - - - - | <i>7th July 2017</i>    |
| <i>Coming into force</i>                       | - -     | <i>21st August 2017</i> |

The Lord President of the Court of Session makes these Rules under the powers conferred by paragraph 3(4) of schedule 4 of the Public Services Reform (General Teaching Council for Scotland) Order 2011(1) and all other powers enabling him to do so.

**Citation and commencement**

1.—(1) These Rules may be cited as the General Teaching Council for Scotland (Legal Assessor) Rules 2017.

(2) They come into force on 21st August 2017.

**Interpretation**

2. In these Rules—

“the Order” means the Public Services Reform (General Teaching Council for Scotland) Order 2011;

“the GTCS” means the General Teaching Council for Scotland as referred to in article 4 of the Order;

“legal assessor” means an assessor appointed under paragraph 3 of schedule 4 of the Order; and

“party” includes a person representing a party.

**Functions of a legal assessor**

3.—(1) This rule applies to proceedings held by the GTCS under paragraph 2 of schedule 4 of the Order, in relation to questions of law that arise—

(a) in the course of any hearing before a panel of members appointed by the GTCS; or

- (b) where such a panel is otherwise adjudicating on, or considering, any matter.
- (2) The legal assessor is to advise the GTCS on any such questions of law in accordance with this rule.
- (3) The legal assessor may give advice in relation to the drafting of written decisions and the structuring of reasons (such advice is not subject to the remainder of this rule).
- (4) The legal assessor may—
  - (a) give advice even if he or she was not present at the hearing or meeting at which the question arose; and
  - (b) communicate that advice from a separate location.
- (5) Any advice given by the legal assessor must—
  - (a) be given in such manner as to be audible or otherwise intelligible to all parties to the proceedings; or
  - (b) if given while the GTCS is deliberating in private—
    - (i) be communicated to the parties as soon as reasonably practicable, and before any decision is pronounced; or
    - (ii) be communicated to the parties immediately if the legal assessor considers it necessary.
- (6) Every party must be given an opportunity to comment on any advice given by the legal assessor.
- (7) The legal assessor may, following any comments made under paragraph (6), give further advice to the GTCS.
- (8) If the GTCS does not accept any advice given by the legal assessor under this rule, it must make a statement to that effect, setting out the reasons for not accepting the advice, during the proceedings or when it gives its decision, if that is given later.

#### **Revocation**

- 4. The General Teaching Council for Scotland (Legal Assessor) Rules 2012(2) are revoked.

Edinburgh  
5th July 2017

*CJM SUTHERLAND*  
Lord President

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## **EXPLANATORY NOTE**

*(This note is not part of the Rules)*

These Rules make provision concerning the functions of legal assessors in the proceedings of the General Teaching Council for Scotland. The existing rules relating to that matter are revoked.