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SCOTTISH STATUTORY INSTRUMENTS

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**2017 No. 398**

**TRIBUNALS AND INQUIRIES**

**The First-tier Tribunal for Scotland Health and Education Chamber and General Regulatory Chamber Charity Appeals (Procedure) (Miscellaneous Amendments) Regulations 2017**

*Made* - - - - *15th November 2017*  
*Laid before the Scottish*  
*Parliament* - - - - *16th November 2017*  
*Coming into force* - - *12th January 2018*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by paragraph 4(2) of schedule 9 of the Tribunals (Scotland) Act 2014(1) and all other powers enabling them to do so.

In accordance with paragraph 4(3) of schedule 9 of that Act, they have consulted the President of Tribunals and such other persons as they have considered appropriate.

**Citation and commencement**

1.—(1) These Regulations may be cited as the First-tier Tribunal for Scotland Health and Education Chamber and General Regulatory Chamber Charity Appeals (Procedure) (Miscellaneous Amendments) Regulations 2017.

(2) These Regulations come into force on 12th January 2018.

**Amendment of the First-tier Tribunal for Scotland Health and Education Chamber (Procedure) Regulations 2017**

2.—(1) The First-tier Tribunal for Scotland Health and Education Chamber (Procedure) Regulations 2017(2) are amended in accordance with paragraph (2).

(2) The First-tier Tribunal for Scotland Health and Education Chamber Rules of Procedure 2018 as set out in the schedule are amended as follows:—

(a) in paragraph (2) of rule 32 (recovery of documents) for the words after “liable” substitute:

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(1) 2014 asp 10.  
(2) S.S.I. 2017/366.

- (a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding level 5 on the standard scale (or both);
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine not exceeding £5,000 (or both).”;
- (b) in paragraph (4) of rule 33 (witnesses and citation of witnesses) for the words after “liable” substitute:
- “—
- (a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding level 5 on the standard scale (or both);
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine not exceeding £5,000 (or both).”;
- (c) in paragraph (2) of rule 78 (recovery of documents) for the words after “liable” substitute:
- “—
- (a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding level 5 on the standard scale (or both);
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine not exceeding £5,000 (or both).”;
- (d) in paragraph (4) of rule 79 (witnesses and citation of witnesses) for the words after “liable” substitute:
- “—
- (a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding level 5 on the standard scale (or both);
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine not exceeding £5,000 (or both).”;
- (e) for paragraph (7) of rule 84 (attendance at hearings) substitute:
- “(7) The following persons, as well as the parties and their representatives, shall be entitled to attend the hearing of a claim held in private—
- (a) a parent of the person to whom the claim relates where the person is not the claimant;
  - (b) an individual attending to support a party;
  - (c) an individual appointed under rule 89(4);
  - (d) a witness, but only for the purpose of giving evidence;
  - (e) the Chamber President and a member of the First-tier Tribunal (when not sitting as a member of the First-tier Tribunal);
  - (f) a member of staff of the Scottish Courts and Tribunals Service;
  - (g) an interpreter;
  - (h) a person giving necessary assistance to a person entitled to attend the hearing.”; and
- (f) for paragraphs (2) to (5) of rule 92 (restricted reporting orders), substitute:
- “(2) A restricted reporting order is an order limiting or prohibiting the publishing of any matter specified in the order, which may include matter likely to lead members of the public to identify the claimant or any child under 16 years of age or other individual, where it is considered that they should not be identified.

(3) In this rule “publishing” includes, without prejudice to the generality of that expression—

- (a) publishing any matter in a programme service, as defined by section 201 of the Broadcasting Act 1990<sup>(3)</sup>; and
- (b) causing any matter to be published.

(4) An order under this rule may be made in respect of a limited period and may be varied or revoked by a legal member or the First-tier Tribunal before or at the hearing.”.

### **Amendment of the First-tier Tribunal for Scotland General Regulatory Chamber Charity Appeals (Procedure) Regulations 2017**

**3.—**(1) The First-tier Tribunal for Scotland General Regulatory Chamber Charity Appeals (Procedure) Regulations 2017<sup>(4)</sup> are amended in accordance with paragraph (2).

(2) In regulation 1(1), for “The First-tier Tribunal for Scotland General Regulatory Chamber Rules of Procedure 2018” substitute “The First-tier Tribunal for Scotland General Regulatory Chamber Charity Appeals Rules of Procedure 2018”.

St Andrew’s House, Edinburgh  
15th November 2017

*ANNABELLE EWING*  
Authorised to sign by the Scottish Ministers

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<sup>(3)</sup> 1990 c.42.  
<sup>(4)</sup> S.S.I. 2017/364.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

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

The Tribunals (Scotland) Act 2014 created a new structure for tribunals dealing with devolved matters under the judicial leadership of the Lord President of the Court of Session as head of the Scottish Tribunals. It provided for a First-tier Tribunal and an Upper Tribunal. The First-tier Tribunal requires to be divided into chambers dependent on the subject-matter of the case before it. The First-tier Tribunal has been divided into chambers including the Health and Education Chamber and the General Regulatory Chamber. These Regulations make minor amendments to the First-tier Tribunal for Scotland Health and Education Chamber (Procedure) Regulations 2017 ([S.S.I. 2017/366](#)), especially in setting out in full the penalties to which a person may be liable if orders or citations in respect of recovery of documents or attendance of witnesses are not obeyed. They also amend the First-tier Tribunal for Scotland General Regulatory Chamber Charity Appeals (Procedure) Regulations 2017 ([S.S.I. 2017/364](#)) in clarifying how the Rules of Procedure contained in the schedule of that instrument are to be cited.