
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 88

**The Additional Support Needs Tribunals for
Scotland (Practice and Procedure) Rules 2006**

**PART IV
EVIDENCE**

Witnesses and citation of witnesses

22.—(1) Where a party wishes to call witnesses to attend a hearing to give evidence, that party shall, prior to the end of the case statement period, provide to the Secretary a list of the names and addresses of such witnesses.

(2) A party may not call and lead evidence from any witness who is not included on their list of witnesses except with the permission of a convener or a Tribunal at a hearing.

(3) Subject to the provisions of the Act and to paragraph (5) of this rule, a Tribunal may, on the written application of any party made not later than 8 working days before the hearing, or on its own initiative, direct the Secretary to send a citation to any person whose details are included in either party's list of witnesses under paragraph (1) requiring that person to attend any hearing, including any adjourned hearing, of the Tribunal at such time and place as may be specified in the citation, for the purpose of giving evidence.

(4) The citation must explain that it is an offence under paragraph 13 of Schedule 1 to the Act without reasonable excuse to fail to attend the Tribunal proceedings as required by the citation or to refuse or fail, whilst attending proceedings as so required, to answer any question 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.

(5) No person shall be required so to attend unless—

- (a) they have been given at least 5 working days' notice of the hearing or, if less than 5 such days, they have informed the Secretary that they accept such notice as they have been given; and
- (b) the necessary expenses of their attendance are paid or tendered to them by the party seeking their attendance.

(6) No witness shall be obliged to answer any question that they could not be compelled to answer in any civil proceedings before the Court of Session.