
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 88

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

PART V

HEARINGS AND DECISIONS

Attendance at hearings

27.—(1) Subject to the provisions of this rule, any hearing before a Tribunal shall be in private.

(2) A convener or the Tribunal at a hearing may, on the application of the appellant or on his, her or its own initiative, make an order that a hearing or part of a hearing be held in public.

(3) An order shall not be made under paragraph (2) in any of the circumstances referred to in paragraph (4).

(4) Those circumstances are that a public hearing—

- (a) would prejudice the welfare or interests of the child or young person;
- (b) would not, in all the circumstances, allow the fair hearing of the reference; or
- (c) would not be fair or just.

(5) The Tribunal, with the consent of the parties or their representatives actually present, may permit any other person to attend the hearing of a reference which is held in private.

(6) An appellant or authority who does not intend to attend or be represented at the hearing may, not less than five working days before the hearing, submit additional written representations in support of their case.

(7) The following persons, as well as the parties and their representatives, shall be entitled to attend the hearing of a reference held in private:—

- (a) the child or young person unless, in the case of a child, the Tribunal considers that in respect of the whole or any part of the proceedings the welfare or interests of that child would be prejudiced by being present;
- (b) a parent of the child or young person who is not a party;
- (c) a person attending to support a party;
- (d) a person appointed under rule 33(2);
- (e) a witness, but only for the purpose of giving evidence;
- (f) the President and a member of the panels of conveners or members (when not sitting as a convener or member of the Tribunal);
- (g) the Secretary or a prospective Secretary undergoing training;
- (h) a member of the Tribunal staff;

- (i) a member of the Council on Tribunals or its Scottish Committee appointed under section 2 of the Tribunals and Inquiries Act 1992(1);
 - (j) a person acting on behalf of the President in the training or supervision of the Tribunal staff;
 - (k) an interpreter;
 - (l) a person giving necessary assistance to a person entitled to attend the hearing.
- (8) Without prejudice to any other powers it may have, a Tribunal may exclude from the hearing, or any part of it–
- (a) a person whose conduct has disrupted or is likely, in the opinion of the Tribunal, to disrupt the hearing;
 - (b) a person, including the child or young person, whose presence is likely, in the opinion of the Tribunal, to make it difficult for any person to present evidence or make representations necessary for the proper conduct of the hearing;
 - (c) a representative who was not notified to the Secretary in the reference, response or in accordance with rule 32; or
 - (d) a witness not included in the list of witnesses submitted by either party in accordance with rule 22(1).