



Additional Support Needs Tribunals for Scotland

PRACTICE DIRECTION 3

Adjournments

This Direction is issued consequent to Paragraph 12 of Schedule 1 to the **Education (Additional Support for Learning) (Scotland) Act 2004** which provides that the President may give directions as to the practice and procedure to be followed by Tribunals in relation to any matter.

1. Where the Tribunal requires to adjourn the hearing, for whatever reason, regard shall be had to the terms of **Rule 31 of the Additional Support Needs Tribunals for Scotland (Practice and Procedure) Rules 2006**.
2. The Tribunal should always issue an oral decision at the end of the hearing and follow this up with a written decision as soon as possible **except** in circumstances where the only reason for the hearing to be adjourned is that the case is continued to another date on the basis of lack of time.
3. Where no evidence has been heard, the Tribunal shall consider whether it is necessary to reserve the adjourned hearing to the same Tribunal or whether it may proceed before a completely different Tribunal and indicate this on the adjournment decision.
4. Where evidence has been heard then the hearing must proceed before the same Tribunal and it is expedient, where possible, to agree the date of the next hearing and for the case officer to intimate this in writing as soon thereafter as possible, having regard to the need to allow sufficient time for the case to be completed at the adjourned hearing.
5. Where there are any procedural issues then an adjournment decision notice requires to be issued setting out, where appropriate, any further steps which require to be taken by either party and the consequences of failure to do so.

6. Where any expenses are sought on the basis of the adjournment then this matter should be reserved for argument at the end of the adjourned hearing on the basis that notice has been given to the other party to prepare to address this issue in terms of Rule 39.

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