



Additional Support Needs
Tribunals for Scotland

GUIDANCE TO TRIBUNAL MEMBERS No 01/2014

ADJOURNMENTS

Purpose of this Guidance

1. The purpose of this guidance is to clarify the process to be employed when considering or granting an adjournment and when the same tribunal requires to sit.

The Tribunal's Rules

2. Where a convener or tribunal considers that it may be necessary to adjourn a hearing, regard shall be had to the terms of rule 31 of *The Additional Support Needs Tribunals for Scotland (Practice and Procedure) Rules 2006* ("the Procedure Rules") and/or rule 32 of *The Additional Support Needs Tribunals for Scotland (Disability Claims Procedure) Rules 2011* ("the Claims Rules").

The overriding objective

3. A convener or tribunal must seek to give effect to the overriding objective of dealing with references and/or claims *'fairly and justly'* when exercising any power under the Tribunal's Rules (rule 3 of the Procedure Rules and rule 3 of the Claims Rules).

Same tribunal

4. Where no evidence has been heard, it is not necessary for the same tribunal to sit on the adjourned hearing, unless there are compelling reasons to do so.
5. Where evidence has been heard then the hearing must proceed before the same tribunal. The date and time of the next hearing should be agreed with the parties before they leave the hearing. It may not always be possible to specify the venue at this stage. The case officer in attendance will advise.

Directions

6. When adjourning a hearing a convener may decide to issue directions, specifying any further steps to be taken by either party in advance of the next hearing date, as the convener may consider necessary or expedient to further the overriding objective in the consideration of the reference and/or claim (rule 15 of the Procedure Rules and/or rule 15 of the Claims Rules).

Intimation

7. The case officer will intimate the date, time and venue of the adjourned hearing in writing promptly after the hearing.

Expenses

8. 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 of the Procedure Rules and/or rule 40 of the Claims Rules).

**Dr Joe Morrow
President
31 March 2014**