



# Judiciary and Courts (Scotland) Act 2008

## 2008 asp 6

### PART 2

#### THE JUDICIARY

### CHAPTER 5

#### REMOVAL FROM OFFICE

##### *Judges*

#### **37 Further provision about tribunals**

- (1) A tribunal constituted under section 35 may require any person—
  - (a) to attend its proceedings for the purpose of giving evidence,
  - (b) to produce documents in the person's custody or under the person's control.
- (2) A person on whom such a requirement is imposed is not obliged to answer any question or produce any document which the person would be entitled to refuse to answer or produce in a court in Scotland.
- (3) Subsection (4) applies where a person on whom a requirement has been imposed under subsection (1)—
  - (a) refuses or fails, without reasonable excuse, to comply with the requirement,
  - (b) refuses or fails, without reasonable excuse, while attending the tribunal proceedings to give evidence, to answer any question, or
  - (c) deliberately alters, conceals or destroys any document which the person is required to produce.
- (4) The Court of Session may, on an application made to it by the tribunal—
  - (a) make such order for enforcing compliance as it sees fit, or
  - (b) deal with the matter as if it were a contempt of the Court.
- (5) The Court of Session may by act of sederunt make provision as to the procedure to be followed by and before tribunals constituted under section 35.

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**Changes to legislation:** There are currently no known outstanding effects for the  
Judiciary and Courts (Scotland) Act 2008, Section 37. (See end of Document for details)

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- (6) The Scottish Ministers may pay such remuneration to, and expenses of, members of tribunals constituted under section 35 as they think fit.
- (7) The Scottish Ministers must pay such expenses as they consider are reasonably required to be incurred to enable a tribunal constituted under section 35 to carry out its functions.

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**Commencement Information**

- I1** S. 37(1)-(4) (6) (7) in force at 1.4.2010 by [S.S.I. 2010/39](#), [art. 2\(b\)](#), [Sch.](#) (with [art. 3](#))
- I2** S. 37(5) in force at 20.2.2010 by [S.S.I. 2010/39](#), [art. 2\(a\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Judiciary and Courts (Scotland) Act 2008, Section 37.