
EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules make provision for the procedure in relation to an appeal brought before the Scottish Charity Appeals Panel (“the Panel”) under section 76 of the Charities and Trustee Investment (Scotland) Act 2005.

Part I (rules 1 and 2) sets out the general preliminary matters on citation, commencement and interpretation.

Part II (rules 3–7) sets out the provisions on making an appeal. Rule 3 sets out the content to be included in a notice of appeal, Rule 4 confirms the action to be taken by the Secretary to the Panel upon receipt of a notice of appeal. Rule 5 requires the Secretary to send copies of any documents received from a party to the appeal to the other party. Rules 6 and 7 make provision for the withdrawal of the appeal by the appellant or the response by the Office of the Scottish Charity Regulator (“OSCR”).

Part III (rules 8–17) sets out the provisions connected to the appeal hearing. Rule 8 makes provision for the fixing of the hearing, the issue of a notice of hearing and the contents of that notice. Rule 9 provides that where a party intimates it will not attend the hearing, then an opportunity to make further written submissions will be available to that party. If both parties do not intend to attend then the Panel can hear the appeal in absence of the parties. Rule 10 sets out the position in the event that a Panel member is absent from the hearing. Rule 11 allows a party to be represented at the hearing unless the Panel directs otherwise. Rule 12 provides that a hearing may still proceed if a party fails to attend a hearing after being notified of the hearing.

Rules 13 to 16 give the Panel power to:

- hold a hearing in private if necessary;
- prohibit the recording of the hearing;
- exclude from the hearing any person disrupting it;
- make any direction necessary for the hearing; and
- alter the arrangements for hearing (including adjourning a hearing).

Rule 17 sets out who may be present at a hearing and the Panel’s deliberations.

Part IV (rules 18–20) makes provision for the decision of the Panel (rule 18), the publication of that decision (rule 19) and the keeping of a register of decisions (rule 20).

Part V (rules 21–24) makes provision for orders for expenses (rule 21), dealing with irregularities of procedure or mistakes in documents (rule 22), the proof of documents and decisions (rule 23) and the rules for delivering and receiving documents (rule 24).