
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 571

The Scottish Charity Appeals Panel Rules 2006

PART IV

Decisions, publication and the register

Decisions of the Panel

18.—(1) A decision of the Panel may be taken by a majority and the decision must record whether it was unanimous or taken by a majority.

(2) Where the Panel is constituted by two members, the Chair shall have a second vote.

(3) A decision of the Panel may be given at the end of the hearing or within 21 days of the hearing.

(4) Whether there has been a hearing at which the parties have attended or not, the decision must—

(a) be recorded as soon as possible in a decision document which must also contain a statement of the reasons in full form for the decision; and

(b) be signed by the Chair and dated.

(5) The Secretary must send a copy of the decision to each party to the appeal together with a notice explaining the rights of the parties to appeal the decision of the Panel to the Court of Session under section 78 of the Act.

(6) Except where a decision is announced at the end of the hearing, it shall be treated as having been made on the date on which the Chair signs the decision.

(7) The Panel may direct that particulars of a decision relating to—

(a) evidence heard before the Panel in private;

(b) evidence which refers to intimate personal or financial circumstances;

(c) evidence which is considered to be commercially sensitive;

(d) evidence which consists of confidential communication; or

(e) any other matter as the Panel considers appropriate for the protection of parties;

must be excluded from publication in terms of rule 19 and from inspection in the register in terms of rule 20.

Publication of decisions

19.—(1) The Panel must make arrangements for the public pronouncement of its decisions, whether by giving its decisions orally at a public hearing or by publishing its decisions in writing.

(2) Where the Panel has made a direction in terms of rule 18(7), the Panel may make any necessary amendments to the text of the decision for the purposes of publication.

(3) Where any decision refers to any evidence that has been heard in private, the material relating to that evidence must be omitted from the decision and the Panel may make any necessary amendments to the text of the decision for the purposes of publication.

- (4) Decisions may be published electronically.

The register

20.—(1) A register must be kept by the Panel and must be open for the inspection during reasonable hours by any person without charge.

- (2) The register may be made available electronically.

(3) The register must, unless the Panel has directed otherwise, include the following details for each appeal—

- (a) the case number;
- (b) the name of the appellant;
- (c) the decision of OSCRC which is being appealed;
- (d) the date, time and place fixed for the hearing or the date the appeal is to be decided in absence of the parties;
- (e) the decision of the Panel.

(4) Where any decision refers to any evidence that has been heard in private, the material relating to that evidence must be omitted from the register.