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SCOTTISH STATUTORY INSTRUMENTS

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**2007 No. 560**

**The Inquiries (Scotland) Rules 2007**

*Manner of proceedings etc.*

**Warning letters**

**12.**—(1) The chairman may send a warning letter to any person where the chairman considers that—

- (a) the person might be, or has been, criticised during the proceedings at the inquiry;
- (b) criticism of the person may be inferred from evidence given during the proceedings at the inquiry; or
- (c) the person may be criticised in the report (and any interim report).

(2) The warning letter must—

- (a) state what the criticism or proposed criticism is;
- (b) contain a statement of any facts that the chairman considers may substantiate the criticism or proposed criticism;
- (c) refer to any evidence or documents which may support those facts;
- (d) invite the person to make a written statement if the person wishes; and
- (e) note that the information is subject to confidentiality restrictions.

(3) The chairman may send copies of any evidence or documents referred to with the warning letter, if the chairman considers it appropriate to do so.

(4) Where the warning letter is sent to a person by virtue of paragraph (1)(b)—

- (a) paragraph (2) does not apply; but
- (b) the letter must refer to the evidence or documents from which the chairman considers criticism could be inferred.

(5) Paragraphs (2) to (4) are subject to any restrictions on the disclosure of evidence, documents or information—

- (a) imposed under section 19 (restrictions on public access etc.) of the Act;
- (b) applying by virtue of section 23 of the Act (risk of damage to the economy); or
- (c) resulting from a determination of public interest immunity.

(6) The recipient of a warning letter may disclose it to the recipient's recognised legal representative.

(7) The inquiry panel must not include any significant or explicit criticism of a person in the report (and in any interim report) unless—

- (a) the chairman has sent that person a warning letter; and
- (b) the person has been given a reasonable opportunity to respond to the warning letter.