
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 104

**The Additional Support Needs Tribunals for
Scotland (Disability Claims Procedure) Rules 2011**

PART 5

HEARINGS AND DECISIONS

Expenses

40.—(1) A Tribunal shall not normally make an order as to expenses, but may, subject to paragraph (2), after disposing of a claim, make such an order—

- (a) against either party if it is satisfied that the party has acted frivolously or vexatiously or that their conduct in the making or pursuing or the resisting of a claim was wholly unreasonable;
- (b) against a party who failed to attend or be represented at any hearing of which they were duly notified;
- (c) against the responsible body where they have not delivered a response under rule 10; or
- (d) against the responsible body where the Tribunal considers the disputed decision or failure was wholly unreasonable.

(2) A Tribunal may not make an order as to expenses against a party who is the person to whom the claim relates.

(3) An order as to expenses may be made as respects any expenses incurred or fees or allowances paid by any party to any person.

(4) An order shall not be made under paragraph (1) against a party unless that party has been given an opportunity to make representations to the Tribunal, whether in writing or in person as the Tribunal may specify, against the making of the order.

(5) An order made under paragraph (1) may require the party against whom it is made to pay to the other party either a specified sum in respect of the expenses incurred by that other party in connection with the proceedings or the whole or part of such expenses as taxed if not otherwise agreed.

(6) An order under this rule for expenses as taxed shall allow the Auditor of the Court of Session to make a detailed assessment and tax the expenses on such basis as the order may specify.