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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 104**

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

**PART 6**

**MISCELLANEOUS**

**Review**

- 47.**—(1) If, on the application of a party, a Tribunal is satisfied that—
- (a) its decision was based on an error of fact or in law;
  - (b) a party, who was entitled to be heard at a hearing but failed to be present or represented, had a good reason for failing to be present or represented and the interests of justice require; or
  - (c) otherwise that the interests of justice require,
- the Tribunal may review and vary or revoke the relevant decision.
- (2) An application for the purposes of paragraph (1) must be—
- (a) delivered to the Secretary at any time not later than one month after the date on which the decision was issued to the applicant; and
  - (b) in writing stating the reasons for the making of the application in full.
- (3) The Secretary must send a copy of the application to any other party involved in the claim within 10 working days of receipt.
- (4) The Tribunal may dispense with a hearing where both parties so agree in writing.
- (5) The review must be decided as soon as reasonably practicable by the Tribunal which decided the case or, where it is not practicable for it to be heard by that Tribunal, by a Tribunal appointed by the President.
- (6) If, having reviewed the decision, the decision is to be varied or revoked, the Tribunal must substitute the decision it thinks fit or order a rehearing before either the same or a differently constituted Tribunal.
- (7) On the setting aside or variation of the Tribunal's decision the Secretary must, as soon as reasonably practicable, make such correction as may be necessary in the Register and must send a copy of the entry so corrected to each of the parties.
- (8) Rule 38 shall apply to the Tribunal's decision on the review.