

**2017 No. 239**

**EDUCATION**

**The General Teaching Council for Scotland (Legal Assessor)  
Rules 2017**

|  |         |                         |
|--|---------|-------------------------|
| <i>Made</i>                                | - - - - | <i>5th July 2017</i>    |
| <i>Laid before the Scottish Parliament</i> |         | <i>7th July 2017</i>    |
| <i>Coming into force</i>                   | - -     | <i>21st August 2017</i> |

The Lord President of the Court of Session makes these Rules under the powers conferred by paragraph 3(4) of schedule 4 of the Public Services Reform (General Teaching Council for Scotland) Order 2011(a) and all other powers enabling him to do so.

**Citation and commencement**

1.—(1) These Rules may be cited as the General Teaching Council for Scotland (Legal Assessor) Rules 2017.

(2) They come into force on 21st August 2017.

**Interpretation**

2. In these Rules—

“the Order” means the Public Services Reform (General Teaching Council for Scotland) Order 2011;

“the GTCS” means the General Teaching Council for Scotland as referred to in article 4 of the Order;

“legal assessor” means an assessor appointed under paragraph 3 of schedule 4 of the Order; and

“party” includes a person representing a party.

**Functions of a legal assessor**

3.—(1) This rule applies to proceedings held by the GTCS under paragraph 2 of schedule 4 of the Order, in relation to questions of law that arise—

(a) in the course of any hearing before a panel of members appointed by the GTCS; or

(b) where such a panel is otherwise adjudicating on, or considering, any matter.

(2) The legal assessor is to advise the GTCS on any such questions of law in accordance with this rule.

(3) The legal assessor may give advice in relation to the drafting of written decisions and the structuring of reasons (such advice is not subject to the remainder of this rule).

(4) The legal assessor may—

- (a) give advice even if he or she was not present at the hearing or meeting at which the question arose; and
- (b) communicate that advice from a separate location.

(5) Any advice given by the legal assessor must—

- (a) be given in such manner as to be audible or otherwise intelligible to all parties to the proceedings; or
- (b) if given while the GTCS is deliberating in private—
  - (i) be communicated to the parties as soon as reasonably practicable, and before any decision is pronounced; or
  - (ii) be communicated to the parties immediately if the legal assessor considers it necessary.

(6) Every party must be given an opportunity to comment on any advice given by the legal assessor.

(7) The legal assessor may, following any comments made under paragraph (6), give further advice to the GTCS.

(8) If the GTCS does not accept any advice given by the legal assessor under this rule, it must make a statement to that effect, setting out the reasons for not accepting the advice, during the proceedings or when it gives its decision, if that is given later.

#### **Revocation**

4. The General Teaching Council for Scotland (Legal Assessor) Rules 2012(a) are revoked.

Edinburgh  
5th July 2017

*CJM SUTHERLAND*  
Lord President

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(a) S.S.I. 2012/86.

## **EXPLANATORY NOTE**

*(This note is not part of the Rules)*

These Rules make provision concerning the functions of legal assessors in the proceedings of the General Teaching Council for Scotland. The existing rules relating to that matter are revoked.

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