
DRAFT STATUTORY INSTRUMENTS

2005 No.

**The Social Security Commissioners (Procedure)
(Child Trust Funds) Regulations 2005**

PART 3

PROCEDURE

Hearings

21.—(1) This regulation applies to any hearing of an application or appeal to which these Regulations apply.

(2) Subject to paragraph (3), the office shall give reasonable notice of the time and place of any hearing before a Commissioner.

(3) Unless all the parties concerned agree to a hearing at shorter notice, the period of notice specified under paragraph (2) shall be at least 14 days before the date of the hearing.

(4) If any party to whom notice of a hearing has been sent fails to appear at the hearing, the Commissioner may proceed with the case in that party's absence, or may give directions with a view to the determination of the case.

(5) Any hearing before a Commissioner shall be in public, unless the Commissioner for special reasons directs otherwise.

(6) Where a Commissioner holds a hearing the following persons shall be entitled to be present and be heard—

- (a) the person making the application or appeal;
- (b) any respondent;
- (c) with the leave of the Commissioner, any other person.

(7) Subject to the direction of a Commissioner—

- (a) any person entitled to be present and be heard at a hearing; and
- (b) any representatives of such a person,

may be present by means of a live television link.

(8) Any provision in these regulations which refers to a party or representative being present is satisfied if the party or representative is present by means of a live television link.

(9) Any person entitled to be heard at a hearing may address the Commissioner and—

- (a) in the case of a penalty appeal, the party on whom the penalty has been imposed may give evidence, call witnesses and put questions directly to any other person called as a witness;
- (b) in all other cases, a person entitled to be heard may with the leave of the Commissioner, give evidence, call witnesses and put questions directly to any other person called as a witness.

(10) Nothing in these Regulations shall prevent a member of the Council on Tribunals or of the Scottish Committee of the Council in his capacity as such from being present at a hearing before a Commissioner which is not held in public.