

*Status: Point in time view as at 01/11/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Teaching Council (Scotland) Act 1965 (repealed), Paragraph 3. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 2

#### PROCEDURE OF DISCIPLINARY [F<sup>1</sup>SUB-COMMITTEE]

##### Textual Amendments

- F1** Word in Heading in Sch. 2 substituted (1.11.2001) by 2000 asp 6, s. 60(1), **Sch. 2 para. 6(a)**; S.S.I. 2000/361, art. 3(2), **Sch. Pt. II** (subject to transitional provisions in art. 4)

- 3 (1) For the purpose of advising the Disciplinary [F<sup>1</sup>Sub-committee] on questions of law arising in proceedings before it, there shall in all such proceedings be an assessor to the [F<sup>1</sup>Sub-committee] who shall be an advocate or solicitor of not less than ten years' standing appointed by the Council; but if no assessor appointed by the Council is available to act in any particular proceedings the [F<sup>1</sup>Sub-committee] may appoint an assessor qualified as aforesaid for those proceedings.
- (2) The Lord President of the Court of Session may, by statutory instrument, make rules as to the functions of assessors appointed under this paragraph, and in particular such rules may contain provision for securing—
- (a) that where an assessor advises the Disciplinary [F<sup>1</sup>Sub-committee] on any question of law as to evidence, procedure or any other matters specified by the rules, he shall do so in the presence of every party or person representing a party to the proceedings who appears thereat or, if the advice is tendered while the [F<sup>1</sup>Sub-committee] is deliberating in private, that every such party or person as aforesaid shall be informed what advice the assessor has tendered;
- (b) that every such party or person as aforesaid shall be informed if in any case the [F<sup>1</sup>Sub-committee] does not accept the advice of the assessor on such a question as aforesaid;
- and may contain such incidental and supplementary provisions as the Lord President considers expedient.
- (3) The <sup>M1</sup>Statutory Instruments Act 1946 shall apply to any statutory instrument made by the Lord President under the last foregoing sub-paragraph as if the instrument had been made by a Minister of the Crown.
- (4) Except in the case of an assessor appointed by the [F<sup>1</sup>Sub-committee] itself under sub-paragraph (1) above, an assessor may be appointed under this paragraph either generally or for any particular proceedings or class of proceedings, and shall hold and vacate office in accordance with the terms of the instrument under which he is appointed.
- (5) The Council shall pay to an assessor appointed under this paragraph remuneration at such rates as 0 may be determined by the Council with the consent of the Lord President.

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**Textual Amendments**

**F1** Words in **Sch. 2 para. 3** substituted (1.11.2001) by **2000 asp 6, s. 60(1), Sch. 2 para. 1(6)(a); S.S.I. 2000/361, art. 3(2), Sch. Pt. II** (subject to transitional provisions in **art. 4**)

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**Marginal Citations**

**M1** 1946 c. 36.

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