

*Status: Point in time view as at 08/12/2014.*

*Changes to legislation: Education (Scotland) Act 1980, SCHEDULE 1 is up to date with all changes known to be in force on or before 22 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

Section 67.

#### LOCAL INQUIRIES

- 1 The Secretary of State shall appoint a person to hold the inquiry and to report thereon to him.
  - 2 The person appointed shall notify the bodies and persons appearing to him to be interested of the time when and the place where the inquiry is to be held.
  - 3 The person appointed may by notice in writing require any person—
    - (a) to attend at the time and place set forth in the notice to give evidence or to produce any books or documents in his custody or under his control which relate to any matter in question at the inquiry; or
    - (b) to furnish within such reasonable period as is specified in the notice such information relating to any matter in question at the inquiry as the person appointed may think fit and as the person so required is able to furnish:
- Provided that—
- (i) no person shall be required in obedience to such a notice to attend at any place which is more than ten miles from the place where he resides unless the necessary expenses are paid or tendered to him; and
  - (ii) nothing in this paragraph shall empower the person appointed to hold the inquiry to require any person to produce any book or document or to answer any question which he would be entitled, on the ground of privilege or confidentiality, to refuse to produce or to answer if the inquiry were a proceeding in a court of law.
- 4 The person appointed to hold the inquiry may administer oaths and examine witnesses on oath and may accept, in lieu of evidence on oath by any person, a statement in writing by that person supported by a declaration of the truth thereof in such form as the person appointed may require.
  - 5 The inquiry shall unless the Secretary of State otherwise directs be held in public.
  - 6 Any person who refuses or wilfully neglects to attend in obedience to a notice issued under paragraph 3 above, or who wilfully alters, suppresses, conceals, destroys or refuses to produce any book or document which he may be required to produce by any such notice, or who refuses or wilfully neglects to comply with any requirement of the person appointed to hold the inquiry under paragraph 3 above, shall be liable on summary conviction to a fine not exceeding £20 or to imprisonment for a period not exceeding three months.
  - 7 The Secretary of State may make orders as to the expenses incurred by the parties appearing at the inquiry and as to the parties by whom such expenses shall be paid.
  - 8 Any order by the Secretary of State under paragraph 7 above requiring any party to pay expenses may be enforced in like manner as <sup>F1</sup>an extract registered decree

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arbitral bearing a warrant for execution issued by the sheriff court of any sheriffdom in Scotland.]

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**Textual Amendments**

**F1** Words substituted by [Debtors \(Scotland\) Act 1987 \(c. 18, SIF 45:2\)](#), s. 108(1), [Sch. 6 para. 22](#)

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