

SCHEDULE

Article 2

The Arrangements

Appointment of person by agreement between notifying authority and notified authority

1. Subject to paragraph 2, where the question whether the conditions for referral of a case are satisfied has not been decided by agreement between the notifying authority and the notified authority, the question shall be decided by a person appointed by those authorities.

Appointment of person other than by agreement between notifying authority and notified authority

2. If within a period of 21 days commencing on the day on which the notified authority receives a notification under section 33(1) of the Housing (Scotland) Act 1987 a person has not been appointed in accordance with paragraph 1, the question shall be decided by a person—

- (a) from the panel constituted in accordance with paragraph 3; and
- (b) appointed in accordance with paragraph 4.

3.—(1) Subject to sub-paragraph (2), the Convention of Scottish Local Authorities shall establish and maintain a panel of persons from which a person may be appointed to decide the question whether the conditions for referral of a case are satisfied.

(2) The Convention of Scottish Local Authorities shall consult such other associations of relevant authorities as they think appropriate before—

- (a) establishing the panel;
- (b) inviting a person to join the panel after it has been established; and
- (c) removing a person from the panel.

4.—(1) The notifying authority and the notified authority shall jointly request the President of the Convention of Scottish Local Authorities or his nominee (“the proper officer”) to appoint a person from the panel.

(2) If within a period of six weeks commencing on the day on which the notified authority receives a notification under section 33(1) of the Housing (Scotland) Act 1987 a person has not been appointed, the notifying authority shall request the proper officer to appoint a person from the panel.

Procedural requirements

5.—(1) Subject to the following provisions of this paragraph, the procedure for deciding whether the conditions for referral of a case are satisfied shall be determined by the appointed person.

(2) The appointed person shall invite written representations from the notifying authority and the notified authority.

(3) The appointed person may also invite—

- (a) further written representations from the notifying authority and the notified authority;
- (b) written representations from any other person; and
- (c) oral representations from any person.

(4) If the appointed person invites representations from any person, those representations may be made by a person acting on his behalf, whether or not legally qualified.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Notification of decision

6. The appointed person shall notify his decision, and his reasons for it, in writing to the notifying authority and the notified authority.

Costs

7.—(1) The notifying authority and the notified authority shall pay their own expenses incurred in connection with the arrangements set out in this Schedule.

(2) Where a person has made oral representations, the appointed person may give directions as to the payment by the notifying authority or the notified authority or both authorities of any travelling expenses reasonably incurred by that person.

Definitions

8. In this Schedule “appointed person” means a person appointed in accordance with paragraph 1 or 4.