



## GUIDANCE TO MEMBERS No 04/2018

### ADJOURNMENTS

#### *Purpose of this Guidance*

1. The purpose of this guidance is to clarify the process to be employed when considering or granting an adjournment and when the same tribunal requires to sit.

#### *The Tribunal's Rules*

2. Where a legal member or tribunal considers that it may be necessary to adjourn a hearing, regard shall be had to the terms of rule 42 of The First-tier Tribunal for Scotland Health and Education Chamber (Procedure) Regulations 2017 ("the Procedure Rules") in respect of references and rule 88 of the same regulations in respect of claims.

#### *The overriding objective*

3. A legal member or tribunal must seek to give effect to the overriding objective of dealing with references and/or claims *'fairly and justly'* when exercising any power under the Tribunal's Rules (rule 2 of the Procedure Rules).

#### *Same tribunal*

4. Where no evidence has been heard, it is not necessary for the same tribunal to sit on the adjourned hearing, unless there are compelling reasons to do so.
5. Where evidence has been heard then the hearing must proceed before the same tribunal. The date and time of the next hearing should be agreed with the parties before they leave the hearing. It may not always be possible to specify the venue at this stage. The case officer in attendance will advise.

*Directions*

6. When adjourning a hearing a legal member may decide to issue directions, specifying any further steps to be taken by either party in advance of the next hearing date, as the legal member may consider necessary or expedient to further the overriding objective in the consideration of the reference and/or claim (rules 25 and 71 of the Procedure Rules).

*Intimation*

7. The case officer will intimate the date, time and venue of the adjourned hearing in writing promptly after the hearing.

*Expenses*

8. Where any expenses are sought on the basis of the adjournment then this matter should be reserved for argument at the end of the adjourned hearing.

**May Dunsmuir  
President  
January 2018**