
STATUTORY RULES OF NORTHERN IRELAND

2005 No. 339

**Special Educational Needs and Disability
Tribunal Regulations (Northern Ireland) 2005**

**PART I
GENERAL**

Citation, commencement and application

1.—(1) These Regulations may be cited as the Special Educational Needs and Disability Tribunal Regulations (Northern Ireland) 2005 and shall come into operation on 1st September 2005.

(2) These Regulations apply to all appeals and claims to the Tribunal where the notice of appeal or claim is entered in the records of the Tribunal on or after 1st September 2005.

Interpretation

2. In these Regulations—

“the 1996 Order” means the Education (Northern Ireland) Order 1996;

“the 2005 Order” means the Special Educational Needs and Disability (Northern Ireland) Order 2005;

“appeal” means an appeal to the Tribunal under Part II of and Schedule 2 to the 1996 Order;

“the board” means the education and library board which made the disputed decision;

“the case statement period” means the period specified in the notice given under regulation 28(1), including any extension ordered by the President under regulation 60(1);

“chairman’s panel” means a panel of persons appointed under Article 22(2)(b) of the 1996 Order who may serve as chairman of the Tribunal;

“child” means the child in respect of whom an appeal or claim is brought;

“the child’s statement” means the statement of special educational needs relating to the child made under Article 16 of the 1996 Order;

“claim” means a claim to the Tribunal under Article 22 of the 2005 Order;

“the clerk to the tribunal” means the person appointed by the Secretary of the Tribunal to act in that capacity at one or more hearings;

“the disputed decision” means the decision or determination in respect of which an appeal is brought;

“hearing” means a sitting of the Tribunal constituted for the purpose of receiving evidence, hearing addresses and witnesses or doing anything lawfully requisite to enable the Tribunal to reach a decision on any question;

“lay panel” means a panel of persons appointed under Article 22(2)(c) of the 1996 Order who may serve as the other two members of a Tribunal apart from the chairman;

“parent” means a parent who has made or who may make an appeal to the Tribunal under the 1996 Order or a claim under the 2005 Order;

“records” means the records of the Tribunal;

“the Secretary of the Tribunal” means the person for the time being acting as the Secretary of the office of the Tribunal;

“the Tribunal” means the Special Educational Needs and Disability Tribunal for Northern Ireland but where the President has determined pursuant to regulation 4(1) that the jurisdiction of the Tribunal is to be exercised by more than one tribunal, it means, in relation to any proceedings, the tribunal to which the proceedings have been referred by the President;

“working day” means, except in regulation 38, any day other than a Saturday, a Sunday, any day from 25th December to 1st January (both dates inclusive), a public holiday or a day in August;

“written evidence” includes evidence recorded in any way.

Members of lay panels

3. No person may be appointed to the lay panel unless the Department is satisfied that the person—

- (a) is not eligible for appointment to the chairman’s panel;
- (b) has knowledge of children with—
 - (i) special educational needs; or
 - (ii) disabilities; or
 - (iii) if required, both.

Establishment of tribunals

4.—(1) The jurisdiction of the Tribunal shall be exercised by such number of tribunals as the President may from time to time determine.

(2) The tribunals exercising the jurisdiction conferred on them in accordance with paragraph (1) shall sit at such times and in such places as the President may from time to time determine.

Membership of tribunal

5.—(1) Subject to regulation 42, the Tribunal shall consist of a chairman and two other members.

(2) For each hearing—

- (a) the chairman shall be the President or a person selected by him from the chairman’s panel; and
- (b) the two other members shall be selected by the President from the lay panel, and shall have knowledge and experience appropriate to the proceedings in question.

Proof of documents and certification of decisions

6.—(1) A document purporting to be a copy of a document issued by the Secretary of the Tribunal on behalf of the tribunal shall, unless the contrary is proved, be deemed to be a document so issued.

(2) A document purporting to be certified by the Secretary of the Tribunal to be a true copy of a document containing a decision of the tribunal shall, unless the contrary is proved, be sufficient evidence of its contents.