
STATUTORY INSTRUMENTS

2005 No. 1117

The Special Educational Needs and Disability (Northern Ireland) Order 2005

PART II

SPECIAL EDUCATIONAL NEEDS

Appeals

Unopposed appeals

8. In the 1996 Order after Article 18 insert—

“Unopposed appeals

18A.—(1) This Article applies if—

- (a) the parent of a child has appealed to the Tribunal under Article 17, 20 or 20A or paragraph 11(3) of Schedule 2 against a decision of a board, and
 - (b) the board notifies the Tribunal that it has determined that it will not, or will no longer, oppose the appeal.
- (2) The appeal is to be treated as having been determined in favour of the appellant.
- (3) If an appeal is treated as determined in favour of the appellant as a result of paragraph (2), the Tribunal is not required to make any order.
- (4) Before the end of the prescribed period, the board shall—
- (a) in the case of an appeal under Article 17, make a statement under Article 16 of the child's educational needs,
 - (b) in the case of an appeal under Article 20 or 20A, make an assessment of the child's educational needs,
 - (c) in the case of an appeal under paragraph 11(3) of Schedule 2 against a determination of the board not to comply with the parent's request, comply with the request.
- (5) A board required by paragraph (4)(a) to make a statement under Article 16 shall maintain the statement under that Article.” .

Changes to legislation:

The Special Educational Needs and Disability (Northern Ireland) Order 2005, Section 8 is up to date with all changes known to be in force on or before 06 October 2022. 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.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 22(1)(i)-(ii) substituted for words by [2016 c. 8 \(N.I.\) s. 12\(1\)](#)