
STATUTORY RULES OF NORTHERN IRELAND

2005 No. 339

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

PART IV

PREPARATION FOR THE HEARING OF AN APPEAL OR A CLAIM

Acknowledgement of appeal or claim and service of documents by the Secretary of the Tribunal

- 27.**—(1) Upon receiving a notice of appeal or claim the Secretary of the Tribunal shall—
- (a) enter particulars of it in the records;
 - (b) send to the parent—
 - (i) an acknowledgement of its receipt and a note of the case number entered in the records;
 - (ii) notification of the address to which notices and communications to the Tribunal should be sent;
 - (iii) notification that advice about the appeals and claims procedures may be obtained from the office of the Tribunal; and
 - (iv) subject to regulation 28(2)—
 - (aa) in relation to an appeal, a notice stating the time for submitting a statement of the parent’s case and written evidence under regulation 28(1);
 - (bb) in relation to a claim, a notice informing the parent of the requirements of regulation 19(1) and the case statement period;
 - (c) at the same time as sending to the parent the notice referred to in sub-paragraph (b)(iv), send to the other party—
 - (i) a copy of the notice of appeal or claim and any accompanying papers;
 - (ii) notification of the address to which notices and communications to the Tribunal should be sent; and
 - (iii) a notice stating the time for delivering a statement and written evidence under regulation 13(1) or 23(1) and in either case the consequences of failing to do so;
 - (d) if, in accordance with regulation 7(1)(a)(vii), the notice of appeal names a grant-aided school, other than one grant-aided by the board, give the principal of that school notice of the appeal, stating the name and date of birth of the child and the name of the board.
- (2) Where it is necessary to determine the identity of the responsible body in relation to any claim, the President may make such enquiries as are necessary for this purpose.

(3) Where it appears to the President or the Secretary of the Tribunal that there may be more than one responsible body in relation to any claim, the President or the Secretary of the Tribunal may send the documentation specified in paragraph (1)(c) to any or all such bodies as may be appropriate.

(4) Where the Secretary of the Tribunal is of the opinion that, on the basis of the notice of appeal or claim, the parent is asking the Tribunal to do something which is not or is no longer within its jurisdiction, he may give notice to the parent—

- (a) stating the reasons for his opinion; and
- (b) informing the parent that the notice of appeal or claim will not be entered in the records unless, within a specified time (which shall not be less than 5 working days), the parent notifies the Secretary of the Tribunal that he wishes to proceed with it.

(5) Where the Secretary of the Tribunal is of the opinion that there is an obvious error in the notice of appeal or claim—

- (a) he may correct the error and if he does so shall notify the parent accordingly and such notification shall state the effect of sub-paragraph (b); and
- (b) unless within 5 working days the parent notifies the Secretary of the Tribunal that he objects to the correction, the notice of appeal or claim so corrected shall be treated as the notice of appeal or claim for the purpose of these Regulations.

(6) If the Secretary of the Tribunal has given a notice under paragraph (4), the notice of appeal or claim shall only be treated as having been received for the purposes of paragraph (1) when the parent notifies the Secretary of the Tribunal that he wishes to proceed with it.

(7) In paragraph (1)(c) “the other party” means—

- (a) in relation to an appeal, the board;
- (b) in relation to a claim, the responsible body.