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STATUTORY RULES OF NORTHERN IRELAND

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**2005 No. 339**

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

**PART VI**

**ADDITIONAL POWERS OF AND  
PROVISIONS RELATING TO THE TRIBUNAL**

**Power to strike out**

**53.**—(1) The Secretary of the Tribunal shall, at any stage of the proceedings if the board or responsible body applies or the President so directs, serve a notice on the parent stating that it appears that the appeal or claim should be struck out on one or both of the grounds specified in paragraph (2) or for want of prosecution.

(2) The grounds referred to in paragraph (1) are that—

- (a) the appeal or claim is not, or is no longer, within the jurisdiction of the Tribunal;
- (b) the notice of the appeal or the claim is, or the appeal or the claim is or has become, scandalous, frivolous or vexatious.

(3) The notice under paragraph (1) shall invite the parent to make representations.

(4) The tribunal may, after considering any representations duly made by the parent, order that the appeal or claim should be struck out on one or both of the grounds specified in paragraph (2) or for want of prosecution.

(5) The tribunal may make such an order without holding a hearing unless the parent requests the opportunity to make oral representations, and if the tribunal holds a hearing it may be held at the beginning of the hearing of the substantive appeal or claim.

(6) The President may, if he thinks fit, at any stage of the proceedings order that a statement of a party's case should be struck out or amended on the grounds that it is scandalous, frivolous or vexatious.

(7) Before making an order under paragraph (6), the President shall give to the party against whom he proposes to make the order a notice inviting representations and shall consider any representations duly made.

(8) For the purpose of this regulation—

- (a) a notice inviting representations must inform the recipient that he may, within a period (not being less than 5 working days) specified in the notice, either make written representations or request an opportunity to make oral representations;
- (b) representations are duly made if—
  - (i) in the case of written representations, they are made within the period so specified;
  - and

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- (ii) in the case of oral representations, the party proposing to make them has requested an opportunity to do so within the period so specified.