
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 155

EDUCATION

**The Additional Support Needs Tribunals for
Scotland (Appointment of President, Conveners and
Members and Disqualification) Regulations 2005**

<i>Made</i>	- - - -	<i>16th March 2005</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>17th March 2005</i>
<i>Coming into force</i>	- -	<i>3rd May 2005</i>

The Scottish Ministers, in exercise of the powers conferred on them by paragraphs 2(1), 3(1) and 3(2)(c) of Schedule 1 to the Education (Additional Support for Learning) (Scotland) Act 2004(1), and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Additional Support Needs Tribunals for Scotland (Appointment of President, Conveners and Members and Disqualification) Regulations 2005 and shall come into force on 3rd May 2005.

(2) In these Regulations “the Act” means the Education (Additional Support for Learning) (Scotland) Act 2004.

President of the Additional Support Needs Tribunals for Scotland

2. For the purposes of paragraph 2(1) of Schedule 1 to the Act, the qualifications, training and experience prescribed for appointment as President of the Additional Support Needs Tribunals for Scotland are—

- (a) at least seven years standing as an advocate or solicitor admitted in Scotland;
- (b) a seven year general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990(2); or
- (c) at least seven years standing as a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland.

(1) [2004 asp 4](#). Paragraph 1 of Schedule 1 contains a definition “regulations” relevant to the exercise of the statutory powers under which these Regulations are made.

(2) [1990 c. 41](#). Section 71 was amended by sections 43 and 106 of, and paragraphs 4 and 9 of Schedule 6 to, the Access to Justice Act 1999 (c. 22).

Conveners of an Additional Support Needs Tribunal for Scotland

3. For the purposes of paragraph 3(1)(a) of Schedule 1 to the Act the qualifications, training and experience prescribed for appointment to the panel of individuals each of whom may act as the convener of an Additional Support Needs Tribunal for Scotland are—

- (a) at least seven years' standing as an advocate or solicitor admitted in Scotland;
- (b) a seven year general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990; or
- (c) at least seven years' standing as a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least seven years' standing.

Members of an Additional Support Needs Tribunal for Scotland

4. For the purposes of paragraph 3(1)(b) of Schedule 1 to the Act the qualifications, training and experience prescribed for appointment to the panel of individuals, each of whom may act as a member of an Additional Support Needs Tribunal for Scotland, are knowledge and experience of children or young persons with additional support needs within the meaning of the Act.

Disqualification of members of a Tribunal

5. For the purposes of paragraph 3(2)(c) of Schedule 1 to the Act (individuals disqualified from appointment as, and from being, a Tribunal member), the description prescribed is a person eligible for appointment as President or to the panel of those who may act as conveners, and such a person is disqualified from appointment to the panel of members of an Additional Support Needs Tribunal for Scotland for the purposes of paragraph 3(1)(b) of Schedule 1 to the Act.

St Andrew's House, Edinburgh
16th March 2005

PETER PEACOCK
A member of the Scottish Executive

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Education (Additional Support for Learning) (Scotland) Act 2004 provides for the appointment of a President, a panel of individuals who are to serve as conveners and a panel of individuals who are to serve as members of the Additional Support Needs Tribunals for Scotland. These Regulations set out the requirements in relation to qualifications, training and experience for appointment as President, conveners and members.

Regulations 2 and 3 provide that the President and conveners are to be persons legally qualified in Scotland, England and Wales or Northern Ireland of at least seven years' standing.

Regulation 4 provides that other members of a Tribunal are to have knowledge and experience of children or young persons with additional support needs and regulation 5 provides that a person eligible for appointment as President or as a convener is disqualified from appointment as a member of the Tribunal.