

SCHEDULE

THE FIRST-TIER TRIBUNAL FOR SCOTLAND HEALTH AND EDUCATION CHAMBER RULES OF PROCEDURE 2018

PART 2

Procedure in Respect of references to First- tier Tribunal under section 18(1) of the 2004 Act

Change of authority

51.—(1) This rule applies if, after the date of receipt by the First-tier Tribunal of a reference, an authority (“the new authority”) other than the authority named in the notice of reference (“the original authority”) becomes responsible for the school education of the child or young person.

(2) On receiving information that this rule applies a legal member or the First-tier Tribunal at a hearing may order that, for all the purposes of the reference, the new authority be substituted for the original authority.

(3) The appellant, the original authority and the new authority shall have an opportunity to be heard before an order is made under paragraph (2).

(4) When an order is made under paragraph (2)—

- (a) the First-tier Tribunal shall notify the appellant, the original authority and the new authority;
- (b) the original authority shall no longer be a party;
- (c) the new authority shall become a party;
- (d) these Rules shall apply as if the new authority had made the decision or was responsible for the failure or information to which the reference relates;
- (e) the First-tier Tribunal shall send to the new authority copies of all the documents and written evidence relating to the reference duly received by the First-tier Tribunal from the appellant or from the original authority; and
- (f) the legal member or the First-tier Tribunal shall give directions as to further procedure and in particular may set new dates for the new case statement period or for any hearing.