



Education Act 1996

1996 CHAPTER 56

PART IV

SPECIAL EDUCATIONAL NEEDS

[^{F1}CHAPTER I

CHILDREN [^{F1}IN WALES] WITH SPECIAL EDUCATIONAL NEEDS

Special Educational Needs Tribunal [^{F1}for Wales]

[^{F1}336 Tribunal procedure.

- (1) Regulations [^{F2}made by the Welsh Ministers] may make provision about the proceedings of the ^{F3}... Tribunal on an appeal under this Part and the initiation of such an appeal.
- (2) The regulations may, in particular, include provision—
 - (a) as to the period within which, and the manner in which, appeals are to be instituted,
 - (b) where the jurisdiction of the ^{F4}... Tribunal is being exercised by more than one tribunal—
 - (i) for determining by which tribunal any appeal is to be heard, and
 - (ii) for the transfer of proceedings from one tribunal to another,
 - (c) for enabling any functions which relate to matters preliminary or incidental to an appeal to be performed by the President, or by the chairman,
 - ^{F5}(d)
 - (e) for hearings to be conducted in the absence of any member other than the chairman,
 - (f) as to the persons who may appear on behalf of the parties,

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- (g) for granting any person such [^{F6}disclosure] or inspection of documents or right to further particulars as might be granted by [^{F7}the county court],
 - (h) requiring persons to attend to give evidence and produce documents,
 - (i) for authorising the administration of oaths to witnesses,
 - (j) for the determination of appeals without a hearing in [^{F8}circumstances prescribed in the regulations],
 - (k) as to the withdrawal of appeals,
 - (l) for the award of costs or expenses,
 - (m) for taxing or otherwise settling any such costs or expenses (and, in particular, for enabling such costs to be taxed in the county court),
 - (n) for the registration and proof of decisions and orders, [^{F9}and]
 - (o) for enabling the ^{F10}... Tribunal to review its decisions, or revoke or vary its orders, in such circumstances as may be determined in accordance with the regulations.
 - [^{F11}(p) enabling the ^{F12}... Tribunal to stay proceedings on an appeal, and
 - (q) for adding and substituting parties.]
- [^{F13}(2A) Proceeding before the ^{F14}... Tribunal shall be held in private, except in [^{F15}circumstances prescribed in the regulations].]
- [^{F16}(3) The Welsh Ministers may pay such allowances for the purpose of or in connection with the attendance of persons at the ^{F17}... Tribunal as the Welsh Ministers may determine.]
- (4) Part I of the ^{M1}Arbitration Act 1996 shall not apply to any proceedings before the ^{F18}... Tribunal but regulations [^{F19}made by the Welsh Ministers] may make provision corresponding to any provision of [^{F20}that Part].
- [^{F21}(4A) [^{F22}Regulations made under subsection (1)] may make provision for an appeal under this Part to be heard, in [^{F23}circumstances prescribed in the regulations], with a [^{F24}claim in relation to a contravention of Chapter 1 of Part 6 of the Equality Act 2010 so far as relating to disability].]
- (5) Any person who without reasonable excuse fails to comply with—
- (a) any requirement in respect of the discovery or inspection of documents imposed by the regulations by virtue of subsection (2)(g), or
 - (b) any requirement imposed by the regulations by virtue of subsection (2)(h),
- is guilty of an offence.
- ^{F25}(5A)
- (6) A person guilty of an offence under subsection (5) ^{F26}... is liable on summary conviction to a fine not exceeding level 3 on the standard scale.]

Textual Amendments

F1 Pt. 4 Ch. 1 repealed (1.9.2021 for the repeal of ss. 333(1ZA)(2)-(6), 334-335 and otherwise in force for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#), s. 100(3), **Sch. 1 para. 4(9)**; S.I. 2021/373, arts. 3, 4, 6, 7 (as amended by S.I. 2021/938, **art. 2**); S.I. 2021/1243, **art. 3** (with arts. 4-23) (as amended by S.I. 2021/1428, **art. 2**); S.I. 2021/1244, **art. 3** (with arts. 4-21) (as amended by S.I. 2021/1428, **art. 3**); S.I. 2021/1245, arts. 3, 4 (with art. 1(4)); S.I. 2022/891, **art. 3** (with arts. 4-25); S.I. 2022/892, arts. 2, 3 (with arts. 4-18); S.I. 2022/893, **art. 4**; S.I. 2022/894, **art. 3**; S.I. 2022/895,

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- arts. 3, 4; S.I. 2022/896, **art. 3** (with arts. 1(7), 4-22); S.I. 2022/897, **art. 3** (with arts. 1(8), 4-21); S.I. 2022/898, arts. 2, 3
- F2** Words in s. 336(1) inserted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 133(a)(i)**
- F3** Word in s. 336(1) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 33(1)(a)**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)
- F4** Word in s. 336(2)(b) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 33(1)(b)**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)
- F5** Section 336(2)(d) repealed (11.5.2001 for certain purposes, 1.1.2002 otherwise for E. and 1.4.2002 otherwise for W.) by 2001 c. 10, ss. 42(1)(6), 43(4)(e), **Sch. 8 para. 13(2)(a)**, **Sch. 9** (with s. 43(13)); S.I. 2001/2217, art. 5, **Sch. Pt. II** (as amended by S.I. 2001/2614, **art. 4**); S.I. 2001/3992, art. 5, **Sch. Pt. II**
- F6** Word in s. 336(2)(g) substituted (11.5.2001 for certain purposes, 1.1.2002 otherwise for E. and 1.4.2002 otherwise for W.) by 2001 c. 10, ss. 42(1), 43(4)(e), **Sch. 8 para. 13(2)(b)** (with s. 43(13)); S.I. 2001/2217, art. 5, **Sch. Pt. II** (as amended by S.I. 2001/2614, **art. 4**); S.I. 2001/3992, art. 5, **Sch. Pt. II**
- F7** Words in s. 336(2)(g) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 52**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F8** Words in s. 336(2)(j) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 133(b)(ii)**
- F9** Word in s. 336(2)(n) omitted (10.2.2012) by virtue of Education (Wales) Measure 2009 (nawm 5), **ss. 7(2), 26(3)**; S.I. 2012/320, art. 2(b)
- F10** Word in s. 336(2)(o) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 33(1)(b)**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)
- F11** S. 336(2)(p)(q) inserted (10.2.2012) by Education (Wales) Measure 2009 (nawm 5), **ss. 7(3), 26(3)** (as amended (5.5.2010) by S.I. 2010/1148, arts. 1, 5(2)); S.I. 2012/320, art. 2(b)
- F12** Word in s. 336(2)(p) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 33(1)(b)**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)
- F13** S. 336(2A) inserted (11.5.2001 for certain purposes, 1.1.2002 otherwise for E. and 1.4.2002 otherwise for W.) by 2001 c. 10, ss. 42(1), 43(4)(e), **Sch. 8 para. 13(3)** (with s. 43(13)); S.I. 2001/2217, art. 5, **Sch. Pt. II** (as amended by S.I. 2001/2614, **art. 4**); S.I. 2001/3992, art. 5, **Sch. Pt. II**
- F14** Word in s. 336(2A) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 33(1)(c)**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)
- F15** Words in s. 336(2A) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 133(c)(ii)**
- F16** S. 336(3) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 133(d)**
- F17** Word in s. 336(3) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 33(1)(d)**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)
- F18** Word in s. 336(4) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 33(1)(e)**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)
- F19** Words in s. 336(4) inserted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 133(e)(ii)**

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- F20** Words in s. 336(4) substituted (11.5.2001 for certain purposes, 1.1.2002 otherwise for E. and 1.4.2002 otherwise for W.) by 2001 c. 10, ss. 42(1), 43(4)(e), **Sch. 8 para. 13(4)** (with s. 43(13)); S.I. 2001/2217, art. 5, **Sch. Pt. II** (as amended by S.I. 2001/2614, art. 4); S.I. 2001/3992, art. 5, **Sch. Pt. II**
- F21** S. 336(4A) inserted (1.7.2002) by 2001 c. 10, s. 42(1), Sch. 8 para. 13(5) (with s. 43(13)); S.I. 2002/1721, art. 4, Sch. Pt. I
- F22** Words in s. 336(4A) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 133(f)(i)**
- F23** Words in s. 336(4A) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 133(f)(ii)**
- F24** Words in s. 336(4A) substituted by 2010 c. 15, Sch. 26 Pt. 1 para. 37 (as inserted (1.10.2010) by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), art. 1(2), **Sch. 1 para. 5**) (see S.I. 2010/2317, art. 2)
- F25** S. 336(5A) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 33(2)**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)
- F26** Words in s. 336(6) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 33(3)**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)

Modifications etc. (not altering text)

- C1** S. 336 applied (with modifications) (1.7.1999) by S.I. 1999/672, art. 5, **Sch. 2**

Marginal Citations

- M1** 1996 c. 23.

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

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

- s. 13(2)(ba) substituted for s. 13(2)(aa)(b) by [2022 asc 1 Sch. 4 para. 8\(2\)](#)
- s. 15A(3A) inserted by [2022 asc 1 Sch. 4 para. 8\(3\)](#)
- s. 15B(3)(c) inserted by [2022 asc 1 Sch. 4 para. 8\(4\)](#)
- s. 17A functions made exercisable concurrently by [S.I. 2014/1012 art. 12\(1\)Sch. 2 para. 3](#)
- s. 17A functions made exercisable concurrently by [S.I. 2014/863 Sch. 2 para. 4](#)
- s. 17A functions made exercisable concurrently by [S.I. 2014/865 Sch. 2 para. 3](#)
- s. 17A functions made exercisable concurrently by [S.I. 2016/653 Sch. 3 para. 3](#)
- s. 17A-17D inserted by [2009 c. 22 s. 45](#)
- s. 17B-17D applied by [2009 c. 22 s. 86\(8\)](#)
- s. 457(4)(i)-(iia) repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 457(4)(iii) words repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 508(4) inserted by [2022 asc 1 Sch. 4 para. 8\(7\)](#)
- s. 537AA inserted by [2008 c. 25 Sch. 1 para. 8](#)
- s. 548(7A)(7B) inserted by [2008 c. 25 Sch. 1 para. 9\(5\)](#)
- s. 578(1) words repealed by [2005 c. 18 Sch. 19 Pt. 1](#)