

## 1972 No. 42

## EDUCATION, ENGLAND AND WALES

## The Independent Schools Tribunal (Amendment) Rules 1972

Made - - - 18th January 1972

Coming into Operation 21st February 1972

The Lord Chancellor, in exercise of the powers conferred on him by section 75(1) of the Education Act 1944(a), after consultation with the Council on Tribunals in accordance with section 10 of the Tribunals and Inquiries Act 1971(b) and with the consent of the Treasury and the concurrence of the Lord President of the Council, hereby makes the following Rules:—

1.—(1) These Rules may be cited as the Independent Schools Tribunal (Amendment) Rules 1972 and shall come into operation on 21st February 1972.

(2) The Interpretation Act 1889(c) shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

(3) In these Rules, “the principal Rules” means the Independent Schools Tribunal Rules 1958(d), as amended (e), and a rule referred to by number means a rule so numbered in those Rules.

2. For rules 5 and 6, there shall be substituted the following rules:—

“5. If an appellant at any time before the hearing gives notice in writing to the secretary of the tribunal that he desires to withdraw his appeal, the tribunal shall hear and determine the appeal in his absence.

6. If an appellant or the Secretary of State fails to appear at the time fixed for the hearing of the appeal, the tribunal may hear and determine the appeal in his absence.”

3.—(1) For paragraph (1) of rule 13 there shall be substituted the following paragraph:—

“(1) The chairman of the tribunal shall be remunerated at the rate of £22 and the members at the rate of £10.50 for each day on which the tribunal sits.”

(2) At the end of rule 13 there shall be added the following new paragraph:—

“(3) When under rule 15 the chairman of the tribunal gives directions of an interlocutory nature without a hearing by the tribunal, he shall be remunerated at the following rate:—

(i) if no party has appeared before the chairman: £6;

(ii) for each day on which a party appears—  
for a hearing lasting not more than 3 hours: £11;  
for a hearing lasting more than 3 hours: £22.”

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(a) 1944 c. 31.

(b) 1971 c. 62.

(c) 1889 c. 63.

(d) S.I. 1958/519 (1958 I, p. 1006).

(e) S.I. 1968/588 (1968 I, p. 1358).

4. After rule 14 there shall be inserted the following new rule :—

*“Interlocutory Applications*

15.—(1) An application for directions of an interlocutory nature in connection with any appeal may be made by the Secretary of State or any appellant to the chairman of the tribunal appointed for the purposes of that appeal.

(2) The application shall be in writing and shall be sent to the secretary of the tribunal appointed for the purposes of the appeal and shall state the grounds upon which the application is made.

(3) If the application is made with the consent of the Secretary of State or an appellant, it shall be accompanied by consents signed by or on behalf of the Secretary of State or the appellant, as the case may be.

(4) If the application is not made with such consent, then, before it is made, a copy of it shall be sent to the appellant or the Secretary of State, as the case may be, and the application shall state that this has been done.

(5) If the appellant or the Secretary of State, within 7 days after receiving a copy of the application, sends to the secretary of the tribunal and to the Secretary of State or the appellant, as the case may be, written notice of objection, the chairman of the tribunal shall, before giving any direction on the application, consider such objection and, if he considers it necessary for the proper determination of the application, shall give the appellant and the Secretary of State an opportunity of appearing before him.

(6) The chairman of the tribunal shall communicate his decision in writing to the Secretary of State and the appellant.

(7) If at any stage the chairman of the tribunal decides that an application involves a question which ought to be decided by the tribunal, he shall fix a time, date and place for a hearing by the tribunal and shall cause the Secretary of State and the appellant to be notified thereof, not less than 14 days before the date fixed.”

5. Paragraph (2) of the Second Schedule to the principal Rules shall be amended as follows :—

(a) in sub-paragraph (a), for the words “6s. 6d.” and “14s.” there shall be substituted the words “£0·48” and “£1·05” respectively ;

(b) in sub-paragraph (b), for the words “£4. 8s.” and “£4.” there shall be substituted the words “£6·86” and “£6·24” respectively.

Dated 7th January 1972.

*Hailsham of St. Marylebone, C.*

I concur,

Dated 11th January 1972.

*W. S. I. Whitelaw,*  
Lord President of the Council.

We approve the remuneration and allowances prescribed by these Rules.  
Dated 18th January 1972.

*Tim Fortescue,*  
*V. H. Goodhew,*  
Two of the Lords Commissioners  
of Her Majesty's Treasury.

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#### EXPLANATORY NOTE

*(This Note is not part of the Rules.)*

These Rules amend the Rules of the Independent Schools Tribunals set up under section 72 of the Education Act 1944. They modify the existing procedure in cases where the appellant seeks to withdraw his appeal from the tribunal, or where any party fails to appear at the hearing of an appeal, and enable the chairman to give directions of an interlocutory nature without a hearing by the tribunal. The Rules also increase the fee payable to the chairman and the subsistence allowances payable to him and to the members of the tribunal.

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