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STATUTORY INSTRUMENTS

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**1999 No. 265**

**The Education (Registered Inspectors of Schools  
Appeal Tribunal and Registered Nursery Education  
Inspectors Appeal Tribunal) (Procedure) Regulations 1999**

**PART 2: MAKING AN APPEAL TO THE TRIBUNAL  
AND REPLY BY THE CHIEF INSPECTOR**

***(A) THE APPELLANT***

**Method of appealing**

**3.—**(1) An appeal to the Tribunal shall be made by written notice. A form approved by the Chairman of the Tribunal which may be used for making an appeal may be obtained from the offices of the Chief Inspector, or from the Tribunal. If a copy of the approved form is not for any reason available, the notice of appeal may be in such form as the Tribunal may accept.

(2) The notice of appeal shall state:

- (a) the name and address of the appellant;
- (b) the date and any reference number of the disputed decision and whether the disputed decision was taken by the Chief Inspector;
- (c) the grounds of the appeal;
- (d) where applicable, the special circumstances which the appellant considers justify the Tribunal's accepting jurisdiction under regulation 4(2) below;
- (e) the name and address and (where applicable) the profession of the representative (if any) of the appellant and whether the Tribunal should send replies or notices concerning the appeal to the representative instead of the appellant.

(3) A copy of the disputed decision shall be attached to the notice of appeal.

(4) The appellant or his representative shall sign the notice of appeal.

(5) A proper officer of the Tribunal will acknowledge the receipt of the notice of appeal and will inform the appellant or his representative of any further steps which he must take to enable the tribunal to determine the appeal, and the time and place of the hearing of the appeal.

**Time limit for appealing**

**4.—**(1) Subject to paragraph (2) below, a notice of appeal shall not be valid unless it is served on the Tribunal within twenty-eight days of the date on which the notice or notification relating to the disputed decision was served on or given to the appellant.

(2) The Tribunal may accept a notice of appeal served after expiry of the period permitted by paragraph (1) above if it is of the opinion that, by reason of special circumstances, it is just and right to do so.

### **Amendment of notice of appeal and delivery of supplementary grounds of appeal**

5.—(1) The appellant may, at any time before he is notified of the date of the hearing of the appeal, amend his notice of appeal or deliver a supplementary statement of grounds of appeal.

(2) The appellant may amend any notice of appeal or supplementary statement of grounds of appeal with the leave of the Tribunal at any time after he has been notified of the date of the hearing of the appeal or at the hearing itself. The Tribunal may grant such leave on such terms as it thinks fit, including the payment of costs.

(3) The appellant shall send a copy of every amendment and supplementary statement to the Tribunal.

### **Application for directions**

6. The appellant may apply to the Tribunal to give directions about any matter relating to the hearing of his appeal. An application for directions shall be made in writing to the Tribunal with sufficient copies to enable the Tribunal to serve a copy on the other party.

### **Withdrawal of appeal**

7.—(1) The appellant may:

- (a) at any time before the hearing of the appeal withdraw his appeal by sending to the Tribunal a notice stating that he withdraws his appeal, signed by him or his representative;
- (b) at the hearing of the appeal, with the leave of the Tribunal, withdraw his appeal.

(2) Where an appeal is withdrawn, a fresh appeal may not be brought in relation to the same decision except with the leave of the Tribunal.

### **Action of appellant on receipt of notice of hearing**

8.—(1) A proper officer will serve on the appellant a notice informing him of the time and place of any oral hearing which is to be held which, unless the parties otherwise agree, shall not be earlier than twenty-one days after the date on which the notice is sent. Such notice will include, in a form approved by the Chairman, guidance regarding the rules of evidence and procedure which apply to the hearing.

(2) When he receives the notice of the time and place of hearing, the appellant shall inform the Tribunal whether or not he intends to attend or be represented at the hearing and whether or not he intends to call witnesses.

(3) If the appellant does not intend to attend or be represented at the hearing, he may send to the Tribunal additional written representations in support of his appeal.

### **Representation at hearing**

9. At the hearing of an appeal, the appellant may conduct the case himself (with assistance from any person if he wishes) or may be represented by any person whom he may appoint for the purpose, whether or not he has notified the Tribunal of that person's name and address under regulation 3(2)(c).

## **(B) THE REPLY BY THE CHIEF INSPECTOR**

### **Chief Inspector's reply**

**10.**—(1) On receipt of a copy of a notice of appeal the Chief Inspector shall deliver to the Tribunal a written reply acknowledging service of the notice of appeal and stating:—

- (a) whether or not the Chief Inspector intends to oppose the appeal and the grounds on which he relies in opposing the appeal;
- (b) the name and address and (where appropriate) the profession of the representative (if any) of the Chief Inspector and whether such address is the address for service of the Chief Inspector for the purposes of the appeal;
- (c) whether the Chief Inspector wishes a hearing to be held or not.

(2) The Chief Inspector shall include with his reply a statement summarising the facts relating to the disputed decision and, if the reasons for it were not communicated to the appellant at the same time as the decision itself, the reasons for it, together with copies of the documents on which he relied in making the disputed decision, and shall deliver to the Tribunal an additional copy of the reply and of those documents so that the proper officer can provide a copy of each of them to the appellant.

(3) Every such reply shall be signed by a member of the Chief Inspector's staff who has been authorised by him to sign such documents and shall be delivered to the Tribunal not later than twenty-eight days after the date on which the copy of the notice of appeal was received by the Chief Inspector from the Tribunal.

(4) The Chief Inspector may include in the reply, or in a separate notice to the Tribunal:—

- (a) a request for further particulars of the appeal;
- (b) a request for a determination of any question as a preliminary issue.

(5) The provisions of paragraph (3) of regulation 14 shall apply in relation to any document required by paragraph (2) above to be included with the reply.

### **Amendment of reply and application for directions by the Chief Inspector**

**11.**—(1) The Chief Inspector may at any time before he is notified of the date of the hearing of the appeal amend his reply or deliver a supplementary statement by way of reply.

(2) The Chief Inspector may amend any reply or supplementary statement with the leave of the Tribunal at any time after he has been notified of the date of the hearing of the appeal or at the hearing itself. The Tribunal may grant such leave on such terms as it thinks fit, including the payment of costs.

(3) The Chief Inspector may apply to the Tribunal to give directions as to any matter relating to the hearing of the appeal.

(4) The Chief Inspector shall send a copy of every amendment and supplementary statement to the Tribunal.

### **Failure to reply and absence of opposition**

**12.** If no reply is received by the Tribunal within the time appointed by regulation 10(3) or any extension of time allowed by the Tribunal, or if the Chief Inspector states in writing that he does not resist the appeal, or withdraws his opposition to the appeal, the Tribunal may determine the appeal on the basis of the notice of appeal without a hearing.

**Representation at, and action of the Chief Inspector on notification of, hearing**

13.—(1) At the hearing of an appeal, the Chief Inspector may be represented by counsel or a solicitor or a member of his staff.

(2) When he receives a notice of the time and place of the hearing of the appeal, the Chief Inspector shall inform the Tribunal whether or not he intends to attend or be represented at the hearing, and whether or not he intends to call witnesses.

(3) If the Chief Inspector does not intend to attend or be represented at the hearing, he may send to the Tribunal additional written representations in support of his reply.