
STATUTORY INSTRUMENTS

1999 No. 265

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

PART 3: PREPARATION FOR A HEARING

Acknowledgement and registration of appeal and service of documents by proper officer

14.—(1) Upon receiving a notice of appeal, the proper officer shall:—

- (a) send to the appellant a notice of its receipt, which shall include a notification that advice in relation to the proceedings may be obtained from the office of the Tribunal; and
- (b) enter particulars of it in a register, and inform the parties in writing of the case number of the appeal entered in the register (which shall thereafter constitute the title of the proceedings) and of the address to which notices and other communications to the Tribunal shall be sent.

(2) Subject to paragraph (3), the proper officer shall forthwith serve a copy of a notice of appeal and of any reply, together with any amendments or supplementary statements, written representations or other documents received from a party, on the other party:

Provided that if any such matter is sent or delivered to the Tribunal after the time prescribed by these Regulations, the proper officer shall defer the service of such copies pending a decision by the Tribunal for the extension of the time limit.

(3) If any document referred to in paragraph (2) contains any matter that relates to intimate personal or financial circumstances, is commercially sensitive, or consists of information communicated or obtained in confidence and for that reason the Chief Inspector seeks to restrict its disclosure, he shall inform the Tribunal of that fact and of his reasons for seeking such a restriction. In any such case the proper officer shall serve the copies as provided in this regulation only in accordance with the directions of the Tribunal.

Directions in preparation for a hearing

15.—(1) The Tribunal may at any time, on the application of a party or of its own motion, give such directions (including the issue of a witness summons) as are provided in this Part of these Regulations to enable the parties to prepare for the hearing or to assist the Tribunal to determine the issues:

Provided that:—

- (a) no person shall be compelled to give any evidence or produce any document or other material that he could not be compelled to give or produce at a trial of an action in a court of law in England or Wales; and
- (b) in exercising the powers conferred by this regulation, the Tribunal shall take into account the need to protect any matter that relates to intimate personal or financial circumstances,

is commercially sensitive, or consists of information communicated or obtained in confidence.

(2) An application by a party for directions shall be made in writing to the Tribunal and, unless it is accompanied by the written consent of the other party, shall be served by the Tribunal on the other party. If the other party objects to the directions sought, the Tribunal shall consider the objection and, if it considers it necessary for the determination of the application, shall give the parties an opportunity of appearing before it.

(3) A direction shall include a statement of the possible consequences for the appeal, as provided by regulation 19, of a party's failure to comply with the direction within the time allowed by the Tribunal.

Particulars and supplementary statements

16. The Tribunal may give directions requiring either party to provide any particulars or supplementary statements as may be reasonably required for the determination of the appeal within such time as the Tribunal may allow.

Disclosure of documents and other material

17. The Tribunal may give directions requiring a party to deliver to the Tribunal within such time as the Tribunal may allow any document or other material which the Tribunal may require and which it is in the power of the party to deliver. The Tribunal shall make such provision as it thinks necessary to supply copies of any document obtained under this regulation to the other party, and it shall be a condition of such supply that a party shall use such a document only for the purposes of the appeal.

Summoning of witnesses

18.—(1) The Tribunal may by summons require any person in England or Wales to attend as a witness at a hearing of an appeal at such time and place as may be specified in the summons and, subject to the proviso to regulation 15(1), at the hearing to answer any questions or produce any documents in his custody or under his control which relate to any matter in question in the appeal:

Provided that:—

- (a) no person shall be required to attend in obedience to such a summons unless he has been given at least seven days' notice of hearing or, if less than seven days, has informed the Tribunal that he accepts such notice as he has been given; and
- (b) no person, other than the appellant or the Chief Inspector or a member of his staff, shall be required in obedience to such a summons to attend and give evidence or produce any document unless the necessary expenses of his attendance are paid or tendered to him.

Failure to comply with certain directions

19. If any directions given to a party under this Part of these Regulations are not complied with by that party, the Tribunal may, before or at the hearing, dismiss the whole or part of the appeal or, as the case may be, strike out the whole or part of the Chief Inspector's reply and, where appropriate, direct that the Chief Inspector shall be debarred from contesting the appeal altogether:

Provided that the Tribunal shall not so dismiss or strike out or give such a direction unless it has sent notice to the party who has not complied with the direction giving him an opportunity within a period of not less than twenty-one days to explain why it should not do so.

Varying or setting aside of directions

20. Where a person to whom a direction (including any summons) issued under this Part of these Regulations is addressed had no opportunity of objecting to the making of such direction, he may apply to the Tribunal to vary it or set it aside, but the Tribunal shall not do so without first notifying the person who applied for the direction and considering any representations made by him.

Notice of place and time of hearing

21.—(1) A proper officer shall, with due regard to the convenience of the parties, appoint a time and place for an oral hearing and, not less than twenty-one days before the date so fixed (or such shorter time as the parties agree), send to each party a notice of the hearing at such time and place.

(2) The proper officer shall include in or with the notice of hearing:

- (a) information and guidance, in a form approved by the Chairman, as to attendance at the hearing of the parties and witnesses, the bringing of documents, and the right of representation by another person;
- (b) a statement of the right of the parties to ask for and to receive reasons in writing for a decision of the Tribunal;
- (c) a statement explaining the possible consequences of non-attendance and of the right of any party who does not attend and is not represented, to make representations in writing.

(3) The Tribunal may alter the time and place of any oral hearing and the proper officer shall give the parties not less than seven days (or such shorter time as the parties agree) notice of any such alteration:

Provided that any altered hearing date shall not (unless the parties agree) be before the date notified under paragraph (1) of this regulation.

(4) The Tribunal may from time to time adjourn the oral hearing and, if the time and place of the adjourned hearing are announced before the adjournment, no further notice shall be required.

Public notice of hearings

22. The proper officer shall provide for public inspection at the principal office of the Tribunal a list of all appeals for which an oral hearing is to be held and of the time and place fixed for the hearing.