
STATUTORY INSTRUMENTS

2002 No. 1985

The Special Educational Needs and Disability Tribunal (General Provisions and Disability Claims Procedure) Regulations 2002

PART I

GENERAL PROVISIONS

Citation, commencement, application and extent

1.—(1) These Regulations may be cited as the Special Educational Needs and Disability Tribunal (General Provisions and Disability Claims Procedure) Regulations 2002 and shall come into force on 1st September 2002.

(2) Regulations 3 to 6 apply in relation to the jurisdiction of the Special Educational Needs and Disability Tribunal⁽¹⁾.

(3) Parts II to V of these Regulations apply in relation to the making of, and the proceedings of the Special Educational Needs and Disability Tribunal on, a claim of unlawful discrimination under the 1995 Act.

(4) These Regulations shall apply to England and Wales.

Interpretation

2. In these Regulations, unless the context otherwise requires—

“the 1995 Act” means the Disability Discrimination Act 1995;

“the 1996 Act” means the Education Act 1996;

“the case statement period” has the meaning assigned to it by regulation 18(1);

“child” means the person in relation to whom a parent makes, or may make, a claim;

“claim” refers to a claim of unlawful discrimination under Chapter 1 of Part IV of the 1995 Act;

“the clerk to the tribunal” means the person appointed by the Secretary of the Tribunal to act in that capacity at one or more hearings;

“hearing” means any sitting of the tribunal constituted for the purpose of receiving evidence, hearing addresses and witnesses or doing anything lawfully requisite to enable the tribunal to reach a decision on the claim or any question;

“parent” means a parent who has made, or may make, a claim to the tribunal under section 28I(1) of the 1995 Act;

“the President” means the President from time to time of the tribunal;

“records” means the records of the tribunal;

(1) The jurisdiction of the Tribunal is conferred on it by Part IV of the Education Act 1996 (c. 56) and Chapter 1 of Part IV of the Disability Discrimination Act 1995 (c. 50) (Chapter 1 inserted by the Special Educational Needs and Disability Act 2001 (c. 10)).

“the Secretary of the Tribunal” means the person for the time being acting as the Secretary of the office of the tribunal;

“the tribunal” means the Special Educational Needs and Disability Tribunal but where the President has determined pursuant to regulation 4(1) that its jurisdiction is to be exercised by more than one tribunal, it means, in relation to any proceedings, the tribunal to which the proceedings have been referred by the President;

“working day” means any day other than a Saturday, a Sunday, any day from 25th December to 1st January inclusive, Good Friday, the first Monday in May, any day in August or a day which is a bank holiday in England and Wales within the meaning of the Banking and Financial Dealings Act 1971(2).

Members of lay panel

3. No person may be appointed to the lay panel unless the Secretary of State as respects England, or the National Assembly for Wales as respects Wales, is satisfied that the person—

- (a) is not eligible for appointment to the chairmen’s panel; and
- (b) has knowledge and experience of children with—
 - (i) special educational needs; or
 - (ii) disabilities; or
 - (iii) if required, both.

Establishment of tribunals

4.—(1) The jurisdiction of the Special Educational Needs and Disability Tribunal shall be exercised by such number of tribunals as the President may from time to time determine.

(2) The tribunals exercising the jurisdiction conferred on them in accordance with paragraph (1) shall sit at such times and in such places as the President may from time to time determine.

Membership of tribunal

5.—(1) Subject to regulation 32(5) of these Regulations and to regulation 32(5) of the Special Educational Needs Tribunal Regulations 2001(3), the tribunal shall consist of a chairman and two other members.

(2) For each hearing—

- (a) the chairman shall be the President or a person selected by him from the chairmen’s panel; and
- (b) the two other members shall be selected by the President from the lay panel, and shall have the knowledge and experience appropriate to the proceedings in question.

Proof of documents and certification of decisions

6.—(1) A document purporting to be a document issued by the Secretary of the Tribunal on behalf of the tribunal shall, unless the contrary is proved, be deemed to be a document so issued.

(2) A document purporting to be certified by the Secretary of the Tribunal to be a true copy of a document containing a decision of the tribunal shall, unless the contrary is proved, be sufficient evidence of its contents.

(2) 1971 c. 80.
(3) S.I.2001/600.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
