



# Additional Learning Needs and Education Tribunal (Wales) Act 2018

2018 anaw 2

## PART 3

### EDUCATION TRIBUNAL FOR WALES

#### **91 Constitution of the Education Tribunal for Wales**

- (1) The Special Educational Needs Tribunal for Wales is to continue and is renamed the Education Tribunal for Wales.
- (2) The Tribunal is to consist of—
  - (a) a President of the Tribunal,
  - (b) a panel of persons who may serve as the legal chair of the Tribunal (“the legal chair panel”), and
  - (c) a panel of persons who may serve as the other two members of the Tribunal but not as the legal chair (“the lay panel”).
- (3) The President is to be appointed by the Lord Chancellor with the agreement of the Lord Chief Justice.
- (4) Each member of the legal chair panel is to be appointed by the Lord Chancellor with the agreement of the President.
- (5) The members of the lay panel are to be appointed by the Welsh Ministers with the agreement of the Secretary of State and the President.
- (6) Regulations made by the Welsh Ministers may—
  - (a) provide for the jurisdiction of the Tribunal to be exercised by such number of tribunals as the President may determine from time to time, and
  - (b) make any other provision in connection with the establishment and continuation of the Tribunal which are considered necessary or desirable.
- (7) The Welsh Ministers may provide staff and accommodation for the Tribunal.

## **92 The President and members of the panels**

- (1) A person may not be appointed as President or member of the legal chair panel unless he or she satisfies the judicial-appointment eligibility condition on a 5-year basis.
- (2) A person may not be appointed as a member of the lay panel unless he or she satisfies requirements which may be prescribed in regulations made by the Welsh Ministers.
- (3) If in the opinion of the Lord Chancellor and of the Lord Chief Justice the President is unfit to continue in office or is incapable of performing his or her duties, the Lord Chancellor may (with the agreement of the Lord Chief Justice) remove him or her from office.
- (4) Each member of the legal chair panel or lay panel is to hold and vacate office under the terms of the instrument under which he or she is appointed.
- (5) But a member of the legal chair panel or the lay panel may only be removed from office under the terms of the instrument with the agreement of the President.
- (6) The President or a member of the legal chair panel or lay panel—
  - (a) may resign office by notice in writing to the Lord Chancellor or (as the case may be) the Welsh Ministers, and
  - (b) is eligible for re-appointment if he or she ceases to hold office.

## **93 Deputy President of the Tribunal**

- (1) The President may appoint a member of the legal chair panel as Deputy President of the Tribunal.
- (2) A person appointed as Deputy President of the Tribunal holds and vacates that position in accordance with the terms of appointment.
- (3) A person ceases to be Deputy President if he or she ceases to be a member of the legal chair panel.
- (4) A person may resign as Deputy President by notice in writing to the President.
- (5) A Deputy President may exercise functions of the President if—
  - (a) the President has delegated their exercise to the Deputy President,
  - (b) the office of President is vacant, or
  - (c) the President is unable for any reason to exercise them.

## **94 Remuneration and expenses**

The Welsh Ministers may—

- (a) pay remuneration and allowances to the President and any other person in respect of his or her service as a member of the Tribunal, and
- (b) defray the expenses of the Tribunal.