Additional Learning Needs and Education Tribunal (Wales) Act 2018

2018 anaw 2

PART 2

ADDITIONAL LEARNING NEEDS

CHAPTER 4

AVOIDING AND RESOLVING DISAGREEMENTS

Appeals and applications to the Tribunal

75 Regulations about procedure

(1) Regulations may make provision about—

(a) the initiation of an appeal or application under this Part;

(b) the proceedings of the Education Tribunal for Wales on an appeal or application under this Part.

(2) Regulations under subsection (1) may include provision—

(a) as to the period within which, and the manner in which, appeals or applications are to be commenced;

(b) where the jurisdiction of the Tribunal is being exercised by more than one tribunal—

(i) for determining by which tribunal any appeal or application is to be heard, and

(ii) for the transfer of proceedings from one tribunal to another;

(c) for enabling any functions relating to matters preliminary or incidental to an appeal or application to be performed by the President or by the legal chair;

Changes to legislation: *Additional Learning Needs and Education Tribunal (Wales) Act 2018, Section 75 is up to date with all changes known to be in force on or before 07 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(d) for hearings to be conducted in the absence of a member other than the legal chair;

(e) as to the persons who may appear on behalf of the parties;

(f) for granting such rights to disclosure or inspection of documents or to further particulars as may be granted by the county court;

(g) requiring persons to attend to give evidence and produce documents;

(h) for authorising the administration of oaths to witnesses;

(i) for the determination of appeals or applications without a hearing in prescribed circumstances;

(j) as to withdrawal of appeals or applications;

(k) as to the award of costs or expenses;

(l) for assessing or otherwise settling any costs or expenses (and, in particular, for enabling such costs or expenses to be assessed in the county court);

(m) for the registration and proof of decisions and orders;

(n) for enabling the Tribunal to review its decisions, or revoke or vary its orders, in prescribed circumstances;

(o) for enabling the Tribunal to stay proceedings;

(p) for adding and substituting parties;

(q) for enabling appeals or applications by different persons to be dealt with together;

(r) for an appeal or application under this Part to be heard, in circumstances prescribed in the regulations, with a claim under Chapter 1 of Part 6 of the Equality Act 2010 (c. 15).

(3) Proceedings before the Tribunal must be held in private, except in prescribed circumstances.

(4) Part 1 of the Arbitration Act 1996 (c. 23) does not apply to any proceedings before the Tribunal but regulations may make provision corresponding to any provision of that Part.

Commencement Information

I1 S. 75 in force at 2.11.2020 for specified purposes by S.I. 2020/1182, **reg. 3(1)(i)**

I2 S. 75 in force at 1.9.2021 in so far as not already in force by S.I. 2021/373, **art. 8(g)**

Changes to legislation:
Additional Learning Needs and Education Tribunal (Wales) Act 2018, Section 75 is up to date with all changes known to be in force on or before 07 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
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Changes and effects yet to be applied to :

- specified provision(s) coming into force by S.I. 2021/381 art. 23 (This commencement not applied to legislation.gov.uk. S.I. 2021/381 revoked (12.8.2021) by S.I. 2021/938, art. 3)
- specified provision(s) coming into force by S.I. 2021/383 art. 23 (This commencement not applied to legislation.gov.uk. S.I. 2021/383 revoked (12.8.20210) by S.I. 2021/938, art. 4)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4(3)(ca)(cb) inserted by 2022 asc 1 Sch. 4 para. 39(2)
- s. 5(1)(da) inserted by 2022 asc 1 Sch. 4 para. 39(3)
- s. 65(4)(da)(db) inserted by 2022 asc 1 Sch. 4 para. 39(5)
- Sch. 1 para. 4(32)(a)(i)para. 4(32)(a)(ii)(b) coming into force by S.I. 2022/893 art. 2(o)(xi)