
STATUTORY INSTRUMENTS

1996 No. 274

The Education (Northern Ireland) Order 1996

PART II

CHILDREN WITH SPECIAL EDUCATIONAL NEEDS

Special Educational Needs Tribunal for Northern Ireland

Constitution of Tribunal

22.—(1) There shall be established a tribunal, to be known as the Special Educational Needs Tribunal for Northern Ireland (referred to in this Part as “the Tribunal”), to exercise the jurisdiction conferred on it by this Part.

(2) There shall be—

- (a) a President of the Tribunal appointed by the Lord Chancellor;
- (b) a panel appointed by the Lord Chancellor of persons who may serve as chairman of the Tribunal; and
- (c) a panel appointed by the Department of persons who may serve as the other two members of the Tribunal apart from the chairman.

(3) No person may be appointed—

- (a) President or member of the panel mentioned in paragraph (2)(b) unless he possesses such legal qualifications as the Lord Chancellor considers suitable;
- (b) member of the panel mentioned in paragraph (2)(c) unless he satisfies such requirements as may be prescribed.

(4) The President—

- (a) may be removed from office by the Lord Chancellor if the Lord Chancellor is of the opinion that the President is unfit to continue in office or is incapable of performing his duties;
- (b) may resign office by notice in writing to the Lord Chancellor; and
- (c) is eligible for re-appointment if he ceases to hold office.

(5) A person appointed member of either panel shall hold office subject to such conditions as to the period of his appointment and otherwise as may be determined by the person or body appointing him, but may resign office by notice in writing to that person or body.

(6) The Department may—

- (a) pay to the President, and to any other person in respect of his service as a member of the Tribunal, such remuneration and expenses as it may, with the approval of the Department of Finance and Personnel, determine;
- (b) defray the expenses of the Tribunal to such amount as the Department may, with the approval of the Department of Finance and Personnel, determine;

(c) provide for the Tribunal such staff and accommodation as the Tribunal may require.

(7) The jurisdiction of the Tribunal shall be exercised by such number of tribunals as may be determined from time to time by the President.

Tribunal procedure

23.—(1) Regulations may make provision about the proceedings of the Tribunal on an appeal under this Part and the initiation of such an appeal.

(2) The regulations may, in particular, include provision—

- (a) as to the period within which, and the manner in which, appeals are to be instituted,
- (b) where the jurisdiction of the Tribunal is being exercised by more than one tribunal—
 - (i) for determining by which tribunal any appeal is to be heard, and
 - (ii) for the transfer of proceedings from one tribunal to another,
- (c) for enabling any functions which relate to matters preliminary or incidental to an appeal to be performed by the President, or by the chairman,
- (d) for the holding of hearings in private, except in prescribed circumstances,
- (e) for hearings to be conducted in the absence of any member, other than the chairman,
- (f) as to the persons who may appear on behalf of the parties,
- (g) for granting any person such discovery or inspection of documents or right to further particulars as might be granted by a county court,
- (h) requiring persons to attend to give evidence and produce documents,
- (i) for authorising the administration of oaths to witnesses,
- (j) for the determination of appeals without a hearing in prescribed circumstances,
- (k) as to the withdrawal of appeals,
- (l) for the award of costs or expenses,
- (m) for taxing or otherwise settling any such costs or expenses (and, in particular, for enabling such costs to be taxed in the county court),
- (n) for the registration and proof of decisions and orders, and
- (o) for enabling the Tribunal to review its decisions, or revoke or vary its orders, in such circumstances as may be determined in accordance with the regulations.

(3) The Department may pay such allowances for the purpose of or in connection with the attendance of persons at the Tribunal as it may with the approval of the Department of Finance and Personnel determine.

(4) The Arbitration Act (Northern Ireland) 1937 shall not apply to any proceedings before the Tribunal but regulations may make provision corresponding to any provision of that Act.

(5) Any person who without reasonable excuse fails to comply with—

- (a) any requirement in respect of the discovery or inspection of documents imposed by the regulations by virtue of paragraph (2)(g), or
- (b) any requirement imposed by the regulations by virtue of paragraph (2)(h),

is guilty of an offence.

(6) A person guilty of an offence under paragraph (5) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Appeals from Tribunal

24. Where a person who appeals to the Tribunal is dissatisfied in point of law with a decision of the Tribunal, that person may, according as rules of court may provide, either appeal therefrom to the High Court or require the Tribunal to state and sign a case for the opinion of the High Court.