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STATUTORY RULES OF NORTHERN IRELAND

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**1997 No. 315**

Special Educational Needs Tribunal  
Regulations (Northern Ireland) 1997

Part IV

Determination of Appeals

**Orders for costs and expenses**

**33.**—(1) The tribunal shall not normally make an order in respect of costs and expenses, but may, subject to paragraph (3), make such an order—

- (a) against a party (including any party who has withdrawn his appeal or reply) if it is of the opinion that that party has acted scandalously, frivolously or vexatiously or that his conduct in instituting, pursuing or resisting an appeal was wholly unreasonable;
- (b) against a party which has failed to attend or be represented at a hearing of which he has been duly notified; or
- (c) against the board where it has not delivered a written reply under regulation 12.

(2) Any order in respect of costs and expenses may be made—

- (a) as respects any costs or expenses incurred, or any allowances paid; or
- (b) as respects the whole, or any part, of any allowance (other than allowances paid to members of tribunals) paid by the Department under Article 23(3) of the 1996 Order to any person for the purposes of, or in connection with, his attendance at the tribunal.

(3) No order shall be made under paragraph (1) against a party without first giving that party an opportunity of making representations against the making of the order.

(4) An order under paragraph (1) may require the party against whom it is made to pay the other party either a specified sum in respect of the costs and expenses incurred by that other party in connection with the proceedings or the whole or part of such costs as taxed (if not otherwise agreed).

(5) Any costs required by an order under this regulation to be taxed may be taxed in the county court in accordance with the scales prescribed by the county court rules for such proceedings in the county court as shall be directed in the order.