
STATUTORY RULES OF NORTHERN IRELAND

2005 No. 339

**Special Educational Needs and Disability
Tribunal Regulations (Northern Ireland) 2005**

PART V

DETERMINATION OF APPEALS AND CLAIMS

Application or proposal for review of tribunal's decision

47.—(1) A party may apply to the Secretary of the Tribunal for the decision of the tribunal to be reviewed on the grounds that—

- (a) its decision was wrongly made as a result of an error on the part of the tribunal staff;
- (b) a party, who was entitled to be heard at the hearing but failed to appear or be represented, had good and sufficient reason for failing to appear;
- (c) there was an obvious error in that decision; or
- (d) the interests of justice require.

(2) An application that a decision of the tribunal be reviewed shall—

- (a) be made not later than 10 working days after the date on which the decision was sent to the parties; and
- (b) be in writing stating the grounds in full.

(3) An application that a decision of the tribunal be reviewed may be refused by the President, or by the chairman of the tribunal which decided the case, if in his opinion it has no reasonable grounds of success.

(4) Unless an application that a decision of the tribunal be reviewed is refused in accordance with paragraph (3), it shall be determined, after the parties have had an opportunity to be heard, by the tribunal which made the decision or, where that is not practicable, by a tribunal appointed by the President.

(5) The tribunal may on its own motion propose to review its decision on any of the grounds referred to in paragraph (1), in which case—

- (a) the Secretary of the Tribunal shall serve notice on the parents not later than 10 working days after the date on which the decision was sent to them; and
- (b) the parties shall have an opportunity to be heard.

(6) If, on the application of a party or on its own motion, the tribunal is satisfied as to any of the grounds referred to in paragraph (1)—

- (a) it shall order that the whole or a specified part of the decision be reviewed; and
- (b) it may give directions to be complied with before or at the hearing of the review.

(7) A direction under paragraph (6) may require a party to provide such particulars, evidence or statements as may reasonably be required for the determination of the review.

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(8) If a party fails to comply with such a direction, the tribunal shall take account of that fact when determining the review or deciding whether to make an order for costs.