

*Status: Point in time view as at 12/12/2017.*

*Changes to legislation: There are currently no known outstanding effects for the Education Act 2005, SCHEDULE 3. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 3

Section 27

#### REGISTRATION OF INSPECTORS IN WALES: TRIBUNALS HEARING APPEALS UNDER SECTION 27

##### Modifications etc. (not altering text)

C1 Sch. 3 applied (with modifications) (16.5.2006) by S.I. 2006/1338, art. 6, Sch. 4 para. 5

##### *Constitution of tribunals*

- 1 (1) A tribunal constituted to hear an appeal under section 27 (“a tribunal”) is to consist of—
- (a) a chairman appointed by the [<sup>F1</sup>Lord Chief Justice after consulting the Lord Chancellor], and
  - (b) two other members appointed by the Assembly.
- (2) To be qualified for appointment as chairman of a tribunal, a person must [<sup>F2</sup>satisfy the judicial-appointment eligibility condition on a 5-year basis.]
- (3) A person may not be appointed after the day on which he attains the age of 70 to be the chairman of a tribunal.
- [<sup>F3</sup>(3A) A member of a tribunal listed in section 59 of the Wales Act 2017 (the Welsh tribunals) who is not a member of a tribunal constituted to hear an appeal under section 27 may act as a member of such a tribunal at the request of its chairman and with the approval of the President of Welsh Tribunals.]
- [<sup>F4</sup>(4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this paragraph.]

##### Textual Amendments

- F1 Words in Sch. 3 para. 1(1)(a) substituted (3.4.2006) by The Lord Chancellor (Transfer of Functions and Supplementary Provisions) (No.2) Order 2006 (S.I. 2006/1016), art. 2, Sch. 1 para. 38(2)
- F2 Words in Sch. 3 para. 1(2) substituted (21.7.2008) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, Sch. 10 para. 42; S.I. 2008/1653, art. 2(d) (with arts. 34)
- F3 Sch. 3 para. 1(3A) inserted (12.12.2017 being the date that S.I. 2017/1282 comes into force) by Wales Act 2017 (c. 4), ss. 62(6), 71(4) (with Sch. 7 paras. 1, 6); S.I. 2017/351, reg. 2(2)
- F4 Sch. 3 para. 1(4) inserted (3.4.2006) by The Lord Chancellor (Transfer of Functions and Supplementary Provisions) (No.2) Order 2006 (S.I. 2006/1016), art. 2, Sch. 1 para. 38(3)

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### *Procedure of tribunals*

- 2 (1) The Assembly may by regulations make provision with respect to the making of appeals to, and the procedure to be followed by, tribunals.
- (2) The regulations may, in particular, make provision—
- (a) as to the period within which, and manner in which, appeals must be brought,
  - (b) for the holding of hearings in private in prescribed circumstances,
  - (c) as to the persons who may appear on behalf of the parties,
  - (d) for enabling hearings to be conducted even though a member of the tribunal, other than the chairman, is absent,
  - (e) as to the disclosure by the appellant, and others, of documents and the inspection of documents,
  - (f) requiring persons to attend the proceedings and give evidence,
  - (g) as to the payment of expenses incurred by persons compelled to attend proceedings by regulations made by virtue of paragraph (f),
  - (h) authorising the administration of oaths to witnesses,
  - (i) as to the withdrawal of appeals,
  - (j) as to costs and expenses incurred by any party to the proceedings, and
  - (k) authorising preliminary or incidental matters in relation to an appeal to be dealt with by the chairman of the tribunal hearing that appeal.

#### **Modifications etc. (not altering text)**

- C2** Sch. 3 para. 2 applied (3.10.2005 for E. and 1.9.2006 for W.) by 1998 c. 31, Sch. 26 para. 10(2) (as substituted by [Education Act 2005 \(c. 18\)](#), ss. 53, 119, 125, [Sch. 7 para. 16\(4\)](#)); S.I. 2005/2034, [art. 6](#), S.I. 2006/1338, {art. 3}, Sch. 1

### *Staff*

- 3 The Assembly may make such provision as the Assembly thinks fit for—
- (a) the allocation of staff for any tribunal,
  - (b) the remuneration of members of tribunals and the reimbursement of their expenses,
  - (c) defraying any reasonable expenses incurred by any tribunal.

#### **Modifications etc. (not altering text)**

- C3** Sch. 3 para. 3 applied (3.10.2005 for E. and 1.9.2006 for W.) by 1998 c. 31, Sch. 26 para. 10(2) (as substituted by [Education Act 2005 \(c. 18\)](#), ss. 53, 119, 125, [Sch. 7 para. 16\(4\)](#)); S.I. 2005/2034, [art. 6](#), S.I. 2006/1338, {art. 3}, Sch. 1

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