

Status: Point in time view as at 10/03/2022.

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 [^{F1}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 [^{F2}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 [^{F3}75] to be the chairman of a tribunal.
- [^{F4}(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.]
- [^{F5}(3B) A chairman or other member of a tribunal must vacate office on reaching the age of 75.]
- [^{F6}(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 Word in Sch. 3 para. 1(3) substituted (10.3.2022) by [Public Service Pensions and Judicial Offices Act 2022 \(c. 7\)](#), s. 131(1)(4)(a), [Sch. 1 para. 34\(a\)](#) (with Sch. 1 para. 43)
- F4 [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)
- F5 [Sch. 3 para. 1\(3B\)](#) inserted (10.3.2022) by [Public Service Pensions and Judicial Offices Act 2022 \(c. 7\)](#), s. 131(1)(4)(a), [Sch. 1 para. 34\(b\)](#) (with Sch. 1 para. 43)

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F6 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)**

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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