
STATUTORY INSTRUMENTS

2008 No. 2699

**The Tribunal Procedure (First-tier Tribunal)
(Health, Education and Social Care Chamber) Rules 2008**

PART 3

Proceedings before the Tribunal other than in mental health cases

CHAPTER 2

Hearings

Public and private hearings

26.—(1) Subject to the following paragraphs, all hearings must be held in public.

(2) Hearings in special educational needs cases and disability discrimination in schools cases must be held in private unless the Tribunal considers that it is in the interests of justice for a hearing to be held in public.

(3) Subject to paragraph (2), the Tribunal may give a direction that a hearing, or part of it, is to be held in private.

[^{F1}(3A) Without prejudice to paragraph (3), the Tribunal may direct that a hearing, or part of it, is to be held in private if—

- (a) the Tribunal directs that the proceedings are to be conducted wholly or partly as video proceedings or audio proceedings;
- (b) it is not reasonably practicable for such a hearing, or such part, to be accessed in a court or tribunal venue by persons who are not parties entitled to participate in the hearing;
- (c) a media representative is not able to access the proceedings remotely while they are taking place; and
- (d) such a direction is necessary to secure the proper administration of justice.]

(4) Where a hearing, or part of it, is to be held in private, the Tribunal may determine who is permitted to attend the hearing or part of it.

(5) The Tribunal may give a direction excluding from any hearing, or part of it—

- (a) any person whose conduct the Tribunal considers is disrupting or is likely to disrupt the hearing;
- (b) any person whose presence the Tribunal considers is likely to prevent another person from giving evidence or making submissions freely;
- (c) any person who the Tribunal considers should be excluded in order to give effect to a direction under rule 14(2) (withholding information likely to cause harm);
- (d) any person where the purpose of the hearing would be defeated by the attendance of that person; or

Changes to legislation: There are currently no known outstanding effects for the *The Tribunal Procedure (First-tier Tribunal) (Health, Education and Social Care Chamber) Rules 2008, Section 26. (See end of Document for details)*

[^{F2}(e) in a special educational needs case or a disability discrimination in schools case brought by a parent of a child or by a young person who lacks capacity to conduct their case, that child or young person, if the Tribunal considers that their presence at the hearing would be adverse to their interests.]

(6) The Tribunal may give a direction excluding a witness from a hearing until that witness gives evidence.

Textual Amendments

- F1** Rule 26(3A) inserted (temp.) (10.4.2020) by virtue of [The Tribunal Procedure \(Coronavirus\) \(Amendment\) Rules 2020 \(S.I. 2020/416\)](#), rules 1(2), **2(3)** (with rule 1(2))
- F2** Rule 26(5)(e) substituted (1.9.2014) by [The Tribunal Procedure \(Amendment No. 3\) Rules 2014 \(S.I. 2014/2128\)](#), rules 1(a), **27** (with rule 38)

Changes to legislation:

There are currently no known outstanding effects for the The Tribunal Procedure (First-tier Tribunal) (Health, Education and Social Care Chamber) Rules 2008, Section 26.