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STATUTORY INSTRUMENTS

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**2002 No. 1985**

The Special Educational Needs and Disability Tribunal (General Provisions and Disability Claims Procedure) Regulations 2002

PART IV

DETERMINATION OF CLAIMS

**Review of the President's decision**

**39.**—(1) On the application of a party to the Secretary of the Tribunal or on his own initiative, the President may review and set aside or vary any decision of his if he is satisfied that—

- (a) the decision was wrongly made as a result of an error on the part of the tribunal staff;
- (b) there was an obvious error in the decision; or
- (c) the interests of justice so require.

(2) An application by a party for a review under paragraph (1) shall be made—

- (a) in writing stating the grounds in full;
- (b) not later than 10 working days after the date on which he was notified of the decision.

(3) Where the President proposes to review his decision on his own initiative he shall serve notice of that proposal on the parties not later than 10 working days after they were notified of the decision.

(4) The parties shall have an opportunity to be heard on any application or proposal for review under this regulation and the review shall be determined by the President.

(5) If any decision is set aside or varied under this regulation the Secretary of the Tribunal shall alter the entry in the records and shall notify the parties accordingly.

(6) Where, in accordance with regulation 7(4), the President decides under paragraph 10(3) of Schedule 3 to the 1995 Act that a claim will not be considered out of time, the decision shall be capable of being reviewed under this regulation on the application of a parent as if he were party to a claim and in such a case the responsible body shall not be entitled to be heard or notified.