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WELSH STATUTORY INSTRUMENTS

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**2012 No. 322 (W.53)**

**EDUCATION, WALES**

The Special Educational Needs  
Tribunal for Wales Regulations 2012

<i>Made</i>	- - - -	8 February 2012
<i>Laid before the National Assembly for Wales</i>		13 February 2012
<i>Coming into force</i>		6 March 2012

THE SPECIAL EDUCATIONAL NEEDS  
TRIBUNAL FOR WALES REGULATIONS 2012

PART A

**GENERAL**

1. Title, commencement and application
2. Interpretation
3. Appeals and claims on or after 6 March 2012
4. Revocations and savings
5. Transitional provisions
6. The overriding objective
7. Parties' obligation to co-operate
8. Alternative dispute resolution

*Constitution of Tribunal*

9. Education panel members
10. Establishment of tribunal panels
11. Membership of tribunal panel

PART B

**SPECIAL EDUCATIONAL NEEDS APPEALS AND DISABILITY CLAIMS**

**COMMENCING PROCEEDINGS**

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

### ***Making an appeal or claim***

12. Period within which proceedings must be commenced
13. Appeal application
14. Claim application
15. Action by the Secretary of the Tribunal
16. Appeal or claim made out of time
17. Sufficiency of reasons
18. Appellant's or claimant's representatives

### **Case preparation before the hearing**

#### ***Case statements and supplementary provision***

19. Case statement period
20. Appellant's or claimant's case statement and evidence
21. Local authority's or responsible body's case statement and evidence
22. Change of local authority's or responsible body's representative
23. Change of local authority in an appeal
24. Copy documents for parties
25. Failure to submit a case statement and absence of opposition

#### ***Tribunal enquiries***

26. Enquiries by the Secretary of the Tribunal
27. Failure to respond to enquiries made by the Secretary of the Tribunal

#### ***The Tribunal's management powers***

28. General powers
29. Power to strike out the appeal or claim
30. Order to amend case statement
31. Evidence and submissions
32. Directions in preparation for a hearing
33. Varying or setting aside directions
34. Particulars and supplementary statements
35. Disclosure of documents and other material
36. Failure to comply with directions
37. Consolidating appeals or claims
38. Consolidating claims together with appeals
39. Addition and substitution of parties
40. Transfer of appeal

#### ***Hearings and decisions***

41. Notice of date, place and time of hearings
42. Power to determine the appeal or claim without a hearing
43. Public and private hearings: arrangements and exceptions
44. Restricted reporting orders
45. Procedure at hearing
46. Evidence at hearing
47. Change of witness
48. Summoning a witness
49. Evidence by telephone, video link or other means

50. Late written evidence
51. Postponement of hearing
52. Adjournments and directions
53. Representation at hearing
54. Failure to attend hearing
55. Tribunal panel's decision

#### *After the hearing*

56. Application or proposal for review of the Tribunal's decision
57. Review of Tribunal's decision not to extend the period in which proceedings must be commenced
58. Consideration of an application for permission to appeal to the Upper Tribunal
59. Power to suspend Tribunal's decision
60. Orders of the Upper Tribunal or the Court

#### *Compliance*

61. Compliance with tribunal panel orders — appeals
62. Compliance with appellant's request when a local authority concedes an appeal

### PART C

#### CASE FRIENDS

63. Application
64. Requirement for case friend
65. Who may be a case friend
66. How a person becomes a case friend
67. Steps in proceedings
68. Removing a case friend

### PART D

#### MISCELLANEOUS

69. Extension of time
70. Withdrawal
71. Orders for costs and expenses
72. Power to exercise the functions of the President and Chair
73. Power to exercise the functions of an education panel member in relation to a review
74. The Secretary of the Tribunal
75. Register
76. Publication
77. Irregularities
78. Proof of documents and certification of decisions
79. Method of sending, submitting or serving notices and documents
80. Calculating time
81. Signature of documents  
Signature  
Explanatory Note