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STATUTORY INSTRUMENTS

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**2005 No. 1117**

**The Special Educational Needs and  
Disability (Northern Ireland) Order 2005**

**PART III**

**DISABILITY DISCRIMINATION IN EDUCATION**

**CHAPTER I**

**SCHOOLS**

*Enforcement*

**Procedure of the Tribunal**

- 23.**—(1) [<sup>F1</sup>The Department of Justice may by regulations] make provision about—
- (a) the proceedings of the Tribunal on a claim of unlawful discrimination under this Chapter; and
  - (b) the making of a claim.
- (2) The regulations may, in particular, include provision—
- (a) as to the manner in which a claim must be made;
  - (b) if the jurisdiction of the Tribunal is being exercised by more than one tribunal—
    - (i) for determining by which tribunal any claim is to be heard, and
    - (ii) for the transfer of proceedings from one tribunal to another;
  - (c) for enabling functions which relate to matters preliminary or incidental to a claim (including, in particular, decisions under paragraph 2(3) of Schedule 2) to be performed by the President, or by the chairman;
  - (d) enabling hearings to be conducted in the absence of any member other than the chairman;
  - (e) as to the persons who may appear on behalf of the parties;
  - (f) for granting any person such discovery or inspection of documents or right to further particulars as might be granted by a county court;
  - (g) requiring persons to attend to give evidence and produce documents;
  - (h) for authorising the administration of oaths to witnesses;
  - (i) for the determination of claims without a hearing in prescribed circumstances;
  - (j) as to the withdrawal of claims;
  - (k) for enabling the Tribunal to stay proceedings on a claim;
  - (l) for the award of costs or expenses;

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**Changes to legislation:** *The Special Educational Needs and Disability (Northern Ireland) Order 2005, Section 23 is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (m) for taxing or otherwise settling costs or expenses (and, in particular, for enabling costs to be taxed in the county court);
- (n) for the registration and proof of decisions and orders; and
- (o) for enabling prescribed decisions to be reviewed, or prescribed orders to be varied or revoked, in such circumstances as may be determined in accordance with the regulations.

(3) Proceedings before the Tribunal are to be held in private, except in prescribed circumstances.

(4) The Department [<sup>F2</sup>of Justice] may pay such allowances for the purpose of or in connection with the attendance of persons at the Tribunal as it may, with the consent of the Department of Finance and Personnel, determine.

(5) Part I of the Arbitration Act 1996 (c. 23) does not apply to proceedings before the Tribunal but [<sup>F3</sup>the Department of Justice may by regulations] make provision, in relation to such proceedings, corresponding to any provision of that Part.

(6) The regulations may make provision for a claim under this Chapter to be heard, in prescribed circumstances, with an appeal under Part II of the 1996 Order.

(7) A person who without reasonable excuse fails to comply with—

- (a) a requirement in respect of the discovery or inspection of documents imposed by the regulations by virtue of paragraph (2)(f), or
- (b) a requirement imposed by the regulations by virtue of paragraph (2)(g),

is guilty of an offence.

(8) A person guilty of an offence under paragraph (7) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(9) Part I of Schedule 2 makes further provision about enforcement of this Chapter and about procedure.

[<sup>F4</sup>(10) In this Article, “prescribed” means prescribed by regulations made by the Department of Justice.]

**F1** Words in art. 23(1) substituted (2.6.2021) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2021 \(S.R. 2021/114\)](#), art. 1(2), **Sch. para. 3(3)(a)** (with art. 2(2)(a)(b))

**F2** Words in art. 23(4) inserted (2.6.2021) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2021 \(S.R. 2021/114\)](#), art. 1(2), **Sch. para. 3(3)(b)** (with art. 2(2)(a)(b))

**F3** Words in art. 23(5) substituted (2.6.2021) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2021 \(S.R. 2021/114\)](#), art. 1(2), **Sch. para. 3(3)(c)** (with art. 2(2)(a)(b))

**F4** Art. 23(10) inserted (2.6.2021) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2021 \(S.R. 2021/114\)](#), art. 1(2), **Sch. para. 3(3)(d)** (with art. 2(2)(a)(b))

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

**C1** Art. 23: Transfer of functions (2.6.2021) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2021 \(S.R. 2021/114\)](#), arts. 1(2), **5** (with art. 2(2)(a)(b))

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 22(1)(i)-(ii) substituted for words by [2016 c. 8 \(N.I.\) s. 12\(1\)](#)