
STATUTORY RULES OF NORTHERN IRELAND

2005 No. 339

**Special Educational Needs and Disability
Tribunal Regulations (Northern Ireland) 2005**

PART III

**MAKING A DISABILITY DISCRIMINATION
CLAIM AND STATEMENTS OF CASE**

(B) THE RESPONSIBLE BODY

Statement of the responsible body's case, and supplementary provisions

23.—(1) During the case statement period, the responsible body shall deliver to the Secretary of the Tribunal a written statement of its case and all written evidence on which it intends to rely.

(2) The statement of the responsible body's case shall be signed by a person who is authorised to sign such documents on the responsible body's behalf and shall state whether or not the responsible body intends to oppose the claim, and if it does intend to oppose the claim it shall state—

- (a) the grounds on which it relies;
- (b) the name, address and profession of any representative authorised to deal with the claim on the responsible body's behalf.

(3) The responsible body may amend its statement of case, deliver a supplementary statement of case or amend a supplementary statement of case if, in exceptional circumstances, permission is given by—

- (a) the President; or
- (b) the tribunal at a hearing.

(4) The responsible body shall deliver to the Secretary of the Tribunal a copy of every amendment and supplementary statement for which permission was given.

(5) If the President gives permission under paragraph (3)(a), he may extend the case statement period under regulation 60(1) or, if it has expired, grant a further period not exceeding 15 working days.

(6) Where the parent has lost his entitlement to attend or be represented at a hearing in accordance with regulation 35, the giving of permission under paragraph (3) shall restore such entitlement and, if necessary, the hearing shall be rearranged or adjourned, as appropriate, so that the parent can attend or be represented.

Responsible body's representative

24.—(1) The responsible body may at any time change its representative for the purposes of the claim by notifying the Secretary of the Tribunal of the name and profession of its new representative.

(2) References in these Regulations (however expressed) to sending documents to, or giving notice to, the responsible body shall be construed as references to sending documents to, or giving notice to, the representative named in accordance with regulation 23(2)(b) or paragraph (1).

Failure to deliver a statement of case and absence of opposition

25. If the Secretary of the Tribunal does not receive a statement of case from the responsible body within the case statement period or if the responsible body states in writing that it does not resist the claim, or withdraws its opposition to the claim, the tribunal shall—

- (a) determine the claim on the basis of the notice of claim, and any other documentation already received or amended in accordance with regulation 19(1) and (2), without a hearing; or
- (b) without notifying the responsible body hold a hearing at which the responsible body is not represented.

Representation at hearing and further action by the responsible body

26.—(1) Subject to paragraph (2), at any hearing the responsible body may—

- (a) where the responsible body is an individual, appear; or
- (b) be represented by one person.

(2) If permission is given by the President or at a hearing of the tribunal, the tribunal may grant that the responsible body may be represented by more than one person.

(3) The responsible body shall give the Secretary of the Tribunal the information requested in the enquiry made under regulation 30.

(4) If the responsible body does not intend to be represented (or being an individual does not intend either to attend or be represented) at the hearing it may, not less than 5 working days before the hearing, send to the Secretary of the Tribunal additional representations of its case.