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STATUTORY RULES OF NORTHERN IRELAND

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**2005 No. 339**

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

**PART IV**

**PREPARATION FOR THE HEARING OF AN APPEAL OR A CLAIM**

**Summoning witnesses**

**36.**—(1) The President may by summons require any person in Northern Ireland to attend as a witness at a hearing of an appeal or claim at such time and place as may be specified in the summons, and at any adjournment of that hearing, and at the hearing to give evidence or produce any documents or other material in his custody or under his control which relate to any matter in question in the appeal or claim:

Provided that—

- (a) no person shall be compelled to give any evidence or produce any document or other material that he could not be compelled to give or produce at a trial of an action in the High Court;
- (b) in exercising the power conferred by this regulation, the President shall take into account the need to protect any matter that relates to intimate personal or financial circumstances or consists of information communicated or obtained in confidence;
- (c) no person shall be required to attend in obedience to such a summons unless he has been given at least 5 working days' notice of the hearing or, if less than 5 working days, he has informed the President that he accepts such notice as he has been given;
- (d) no person shall be required in obedience to such a summons to attend and give evidence or to produce any document unless the necessary expenses of his attendance are paid or tendered to him;
- (e) no summons shall require a child under the age of 12 to attend and give evidence at a hearing except where the President determines that the evidence of such a child is necessary to enable the fair hearing of the appeal or claim.

(2) A party seeking a witness summons shall apply in writing to the Secretary of the Tribunal at least 8 working days before the hearing, or later if the person to whom the summons is to be addressed consents in writing.

(3) A witness summons shall contain—

- (a) a reference to the fact that, under Article 23 of the 1996 Order or Article 23 of the 2005 Order, any person who without reasonable excuse fails to comply with any requirement to attend and give evidence and, if the summons so requires, to produce documents shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale; and
- (b) a statement of the effect of paragraph (4).

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

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(4) A person to whom a witness summons is addressed may apply to the President, by notice to the Secretary of the Tribunal, to vary it or set it aside, but the President shall not do so without first notifying the party who applied for the issue of the summons and considering any representations made by that party.