

SCHEDULE

THE FIRST-TIER TRIBUNAL FOR SCOTLAND HEALTH AND EDUCATION CHAMBER RULES OF PROCEDURE 2018

PART 2

Procedure in Respect of references to First- tier Tribunal under section 18(1) of the 2004 Act

Interpretation

13. In this Part of the Rules—

“the appellant” means the person who makes a reference to the First-tier Tribunal under section 18 of the 2004 Act⁽¹⁾;

“an appeal committee” means a committee set up under section 28D of the Education (Scotland) Act 1980⁽²⁾;

“case statement period” means the period referred to in either rule 17(2)(a) or (b) as appropriate;

“the child or young person” means the child or young person to whom a reference relates;

“decision” in relation to the First-tier Tribunal includes—

(a) an order, including dismissal of a reference;

(b) a requirement under section 19 of the 2004 Act⁽³⁾; and

(c) a reference by the First-tier Tribunal to an appeal committee under section 19(5) of the 2004 Act⁽⁴⁾;

“grounds of reference” includes the matters specified in rule 14(2)(f) and (g);

“party” means either the appellant or authority in respect of any reference made to the First-tier Tribunal;

“reference” means a reference under section 18(1) of the 2004 Act;

“Register” means the Register of References to the First-tier Tribunal kept in pursuance of rule 54;

“response” means a written response submitted by an authority under rule 19; and

“in writing” has the meaning in section 29(5) of the 2004 Act.

(1) Section 18 was amended by sections 1(7), 18(1) and 19(1) of the Education (Additional Support for Learning) (Scotland) Act 2009 (asp 7).

(2) 1980 c.44. Section 28D was inserted by section 1(1) of the Education (Scotland) Act 1981 (c.58).

(3) Section 19 was amended by sections 1(8) and 18(2) of the Education (Additional Support for Learning) (Scotland) Act 2009 (asp 7).

(4) Section 19(5) was inserted by section 1(8) (b) of the Education (Additional Support for Learning) (Scotland) Act 2009 (asp 7).