



Education Act 1993

1993 CHAPTER 35

PART III

CHILDREN WITH SPECIAL EDUCATIONAL NEEDS

Special Educational Needs Tribunal

177 Constitution of Tribunal

- (1) There shall be established a tribunal, to be known as the Special Educational Needs Tribunal (referred to in this Part of this Act as “the Tribunal”), to exercise the jurisdiction conferred on it by this Part of this Act.
- (2) There shall be appointed—
 - (a) a President of the Tribunal (referred to in this Part of this Act as “the President”),
 - (b) a panel of persons (referred to in this Part of this Act as “the chairmen’s panel”) who may serve as chairman of the Tribunal, and
 - (c) a panel of persons (referred to in this Part of this Act as “the lay panel”) who may serve as the other two members of the Tribunal apart from the chairman.
- (3) The President and the members of the chairmen’s panel shall each be appointed by the Lord Chancellor.
- (4) The members of the lay panel shall each be appointed by the Secretary of State.
- (5) Regulations may—
 - (a) provide for the jurisdiction of the Tribunal to be exercised by such number of tribunals as may be determined from time to time by the President, and
 - (b) make such other provision in connection with the establishment and continuation of the Tribunal as the Secretary of State considers necessary or desirable.

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- (6) The Secretary of State may, with the consent of the Treasury, provide such staff and accommodation as the Tribunal may require.

178 The President and members of the panels

- (1) No person may be appointed President or member of the chairmen’s panel unless he has a seven year general qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990).
- (2) No person may be appointed member of the lay panel unless he satisfies such requirements as may be prescribed.
- (3) If, in the opinion of the Lord Chancellor, the President is unfit to continue in office or is incapable of performing his duties, the Lord Chancellor may revoke his appointment.
- (4) Each member of the chairmen’s panel or lay panel shall hold and vacate office under the terms of the instrument under which he is appointed.
- (5) The President or a member of the chairmen’s panel or lay panel—
- (a) may resign office by notice in writing to the Lord Chancellor or (as the case may be) the Secretary of State, and
 - (b) is eligible for re-appointment if he ceases to hold office.

179 Remuneration and expenses

- (1) The Secretary of State may pay to the President, and to any other person in respect of his service as a member of the Tribunal, such remuneration and allowances as he may, with the consent of the Treasury, determine.
- (2) The Secretary of State may defray the expenses of the Tribunal to such amount as he may, with the consent of the Treasury, determine.

180 Tribunal procedure

- (1) Regulations may make provision about the proceedings of the Tribunal on an appeal under this Part of this Act and the initiation of such an appeal.
- (2) The regulations may, in particular, include provision—
- (a) as to the period within which, and the manner in which, appeals are to be instituted,
 - (b) where the jurisdiction of the Tribunal is being exercised by more than one tribunal—
 - (i) for determining by which tribunal any appeal is to be heard, and
 - (ii) for the transfer of proceedings from one tribunal to another,
 - (c) for enabling any functions which relate to matters preliminary or incidental to an appeal to be performed by the President, or by the chairman,
 - (d) for the holding of hearings in private in prescribed circumstances,
 - (e) for hearings to be conducted in the absence of any member, other than the chairman,
 - (f) as to the persons who may appear on behalf of the parties,
 - (g) for granting any person such discovery or inspection of documents or right to further particulars as might be granted by a county court,

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- (h) requiring persons to attend to give evidence and produce documents,
 - (i) for authorising the administration of oaths to witnesses,
 - (j) for the determination of appeals without a hearing in prescribed circumstances,
 - (k) as to the withdrawal of appeals,
 - (l) for the award of costs or expenses,
 - (m) for taxing or otherwise settling any such costs or expenses (and, in particular, for enabling such costs to be taxed in the county court),
 - (n) for the registration and proof of decisions and orders, and
 - (o) for enabling the Tribunal to review its decisions, or revoke or vary its orders, in such circumstances as may be determined in accordance with the regulations.
- (3) The Secretary of State may pay such allowances for the purpose of or in connection with the attendance of persons at the Tribunal as he may with the consent of the Treasury determine.
- (4) The Arbitration Act 1950 shall not apply to any proceedings before the Tribunal but regulations may make provision corresponding to any provision of that Act.
- (5) Any person who without reasonable excuse fails to comply with—
- (a) any requirement in respect of the discovery or inspection of documents imposed by the regulations by virtue of subsection (2)(g) above, or
 - (b) any requirement imposed by the regulations by virtue of subsection (2)(h) above,
- is guilty of an offence.
- (6) A person guilty of an offence under subsection (5) above is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

181 Supervision of and appeals from Tribunal

- (1) In paragraph 15 of Part I of Schedule 1 to the Tribunals and Inquiries Act 1992 (tribunals under direct supervision of Council on Tribunals), after sub-paragraph (d) there is inserted—
- “(e) the Special Educational Needs Tribunal constituted under section 177 of the Education Act 1993”.
- (2) In section 11(1) of that Act (appeals from certain tribunals), for “15(a) or (d)” there is substituted “15(a), (d) or (e)”.