



Education Act 1996

1996 CHAPTER 56

PART IV

SPECIAL EDUCATIONAL NEEDS

CHAPTER I

CHILDREN WITH SPECIAL EDUCATIONAL NEEDS

Special Educational Needs Tribunal

333 Constitution of Tribunal.

[^{F1}(1Z) In this section and sections 334 to 336, “the Tribunal” means the Special Educational Needs and Disability Tribunal.]

[^{F2}(1) The Tribunal shall exercise the jurisdiction conferred on it by this Part.]

(2) There shall be appointed—

- (a) a President of the Tribunal (referred to in this Part as “the President”),
- (b) a panel of persons (referred to in this Part as “the chairmen’s panel”) who may serve as chairman of the Tribunal, and
- (c) a panel of persons (referred to in this Part 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

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- (b) make such other provision in connection with the establishment and continuation of the Tribunal as the Secretary of State considers necessary or desirable.
- (6) The Secretary of State may, with the consent of the Treasury, provide such staff and accommodation as the Tribunal may require.

Textual Amendments

- F1** S. 333(1Z) inserted (31.3.2003) by Education Act 2002 (c. 32), ss. 195, 216(3), **Sch. 18 para 4** (with ss. 210(8), 214(4), Sch. 18 para. 17); S.I. 2002/3185, **art. 5**, Sch. Pt. II
- F2** S. 333(1) substituted (1.9.2002) by 2001 c. 10, ss. 42(1), 43(3), Sch. 8 para. 3 (with s. 43(13)); S.I. 2002/2217, **art. 3**, Sch. 1 Pt. 1

Modifications etc. (not altering text)

- C1** S. 333(5)(6) applied (with modifications) (1.7.1999) by S.I. 1999/672, art. 5, **Sch. 2**

334 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^{M1}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.

Modifications etc. (not altering text)

- C2** S. 334(2) applied (with modifications) (1.7.1999) by S.I. 1999/672, art. 5, **Sch. 2**

Marginal Citations

- M1** 1990 c. 41.

335 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 the Secretary of State 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.

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Modifications etc. (not altering text)

C3 S. 335 applied (with modifications) (1.7.1999) by **S.I. 1999/672, art. 5, Sch. 2**

336 Tribunal procedure.

- (1) Regulations may make provision about the proceedings of the Tribunal on an appeal under this Part 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,
 - ^{F3}(d)
 - (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 [^{F4}disclosure] or inspection of documents or right to further particulars as might be granted by a county court,
 - (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.
- [^{F5}(2A) Proceeding before the Tribunal shall be held in private, except in prescribed circumstances.]
- (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) Part I of the ^{M2}Arbitration Act 1996 shall not apply to any proceedings before the Tribunal but regulations may make provision corresponding to any provision of [^{F6}that Part].
- [^{F7}(4A) The regulations may make provision for an appeal under this Part to be heard, in prescribed circumstances, with a claim under Chapter 1 of Part 4 of the Disability Discrimination Act 1995.]

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- (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), or
 - (b) any requirement imposed by the regulations by virtue of subsection (2)(h),
- is guilty of an offence.
- (6) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Textual Amendments

- F3** Section 336(2)(d) repealed (11.5.2001 for certain purposes, 1.1.2002 otherwise for E. and 1.4.2002 otherwise for W.) by 2001 c. 10, ss. 42(1)(6), 43(4)(e), Sch. 8 para. 13(2)(a), **Sch. 9** (with s. 43(13)); S.I. 2001/2217, art. 5, **Sch. Pt II** (as amended by S.I. 2001/2614, art. 4); S.I. 2001/3992, art. 5, **Sch. Pt. II**
- F4** Word in s. 336(2)(g) substituted (11.5.2001 for certain purposes, 1.1.2002 otherwise for E. and 1.4.2002 otherwise for W.) by 2001 c. 10, ss. 42(1), 43(4)(e), **Sch. 8 para. 13(2)(b)** (with s. 43(13)); S.I. 2001/2217, art. 5, **Sch. Pt. II** (as amended by S.I. 2001/2614, art. 4); S.I. 2001/3992, art. 5, **Sch. Pt. II**
- F5** S. 336(2A) inserted (11.5.2001 for certain purposes, 1.1.2002 otherwise for E. and 1.4.2002 otherwise for W.) by 2001 c. 10, ss. 42(1), 43(4)(e), **Sch. 8 para. 13(3)** (with s. 43(13)); S.I. 2001/2217, art. 5, **Sch. Pt. II** (as amended by S.I. 2001/2614, art. 4); S.I. 2001/3992, art. 5, **Sch. Pt. II**
- F6** Words in s. 336(4) substituted (11.5.2001 for certain purposes, 1.1.2002 otherwise for E. and 1.4.2002 otherwise for W.) by 2001 c. 10, ss. 42(1), 43(4)(e), **Sch. 8 para. 13(4)** (with s. 43(13)); S.I. 2001/2217, art. 5, **Sch. Pt. II** (as amended by S.I. 2001/2614, art. 4); S.I. 2001/3992, art. 5, **Sch. Pt. II**
- F7** S. 336(4A) inserted (1.7.2002) by 2001 c. 10, s. 42(1), Sch. 8 para. 13(5) (with s. 43(13)); S.I. 2002/1721, art. 4, Sch. Pt. I

Modifications etc. (not altering text)

- C4** S. 336 applied (with modifications) (1.7.1999) by S.I. 1999/672, art. 5, **Sch. 2**

Marginal Citations

- M2** 1996 c. 23.

[^{F8}336ZA] **Special Educational Needs Tribunal for Wales**

- (1) There shall be a tribunal to be known as Tribiwnlys Anghenion Addysgol Arbennig Cymru or the Special Educational Needs Tribunal for Wales.
- (2) Sections 333 to 336 shall apply in relation to that tribunal as they apply in relation to the Special Educational Needs and Disability Tribunal, but as if—
 - (a) functions of the Secretary of State were functions of the National Assembly for Wales,
 - (b) references to the Secretary of State were references to the National Assembly for Wales,
 - (c) requirements for the Treasury's consent were omitted.
- (3) The powers of the National Assembly for Wales under sections 333(4) and (5) and 334(2) are exercisable only with the agreement of the Secretary of State.]

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Textual Amendments

- F8** S. 336ZA inserted (31.3.2003) by Education Act 2002 (c. 32), ss. 195, 216(3), **Sch. 18 para. 5** (with ss. 210(8), 214(4), Sch. 18 para. 17); S.I. 2002/3185, **art. 5**, Sch. Pt. II

[^{F9}336A Compliance with orders

- (1) If the Tribunal makes an order, the local education authority concerned must comply with the order before the end of the prescribed period beginning with the date on which it is made.
- (2) Regulations under this section, so far as they relate to Wales, require the agreement of the National Assembly for Wales.]

Textual Amendments

- F9** S. 336A inserted (11.5.2001 for certain purposes, 1.1.2002 otherwise for E. and 1.4.2002 otherwise for W.) by 2001 c. 10, **ss. 4, 43(4)(a)** (with s. 43(13)); S.I. 2001/2217, **art. 5**, **Sch. Pt. II** (as amended by S.I. 2001/2614, **art. 4**); S.I. 2001/3992, **art. 5**, **Sch. Pt. II**

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