



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 [^{F1}Welsh] Tribunal.

^{F2}[^{F3}(1Z)]

[^{F4}(1ZA) There continues to be a tribunal known as Tribiwnlys Anghenion Addysgol Arbennig Cymru or the Special Educational Needs Tribunal for Wales.

(1ZB) In this section and sections 334 to 336ZB “Welsh Tribunal” means Tribiwnlys Anghenion Addysgol Arbennig Cymru or the Special Educational Needs Tribunal for Wales.]

[^{F5}(1) The [^{F6}Welsh] Tribunal shall exercise the jurisdiction conferred on it by this Part.]

(2) There shall be appointed—

- (a) a President of the [^{F7}Welsh] 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 [^{F7}Welsh] 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 [^{F7}Welsh] Tribunal apart from the chairman.

(3) The President and the members of the chairmen’s panel shall each be appointed by the Lord Chancellor.

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- (4) The members of the lay panel shall each be appointed by [^{F8}the Welsh Ministers with the agreement of] the Secretary of State.
- (5) [^{F9}Regulations made by the Welsh Ministers with the agreement of the Secretary of State may] —
- (a) provide for the jurisdiction of the [^{F10}Welsh] 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 [^{F11}Welsh] Tribunal as the [^{F12}Welsh Ministers], with the agreement of the Secretary of State, consider] necessary or desirable.
- [^{F13}(6) The Welsh Ministers may provide such staff and accommodation as the Welsh Tribunal may require.]

Textual Amendments

- F1** Word in s. 333 title inserted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 130(a)**
- F2** S. 333(1Z) omitted (3.11.2008) by virtue of The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 130(b)**
- F3** 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
- F4** S. 333(1ZA)(1ZB) inserted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 130(c)**
- F5** 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
- F6** Word in s. 333(1) inserted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 130(d)**
- F7** Word in s. 333(2)(a)-(c) inserted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 130(d)**
- F8** Words in s. 333(4) inserted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 130(e)**
- F9** Words in s. 333(5) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 130(f)(i)**
- F10** Word in s. 333(5)(a) inserted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 130(d)**
- F11** Word in s. 333(5)(b) inserted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 130(d)**
- F12** Words in s. 333(5)(b) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 130(f)(ii)**
- F13** S. 333(6) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 130(g)**

Modifications etc. (not altering text)

- C1** S. 333: transfer of functions (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), arts. 1(1), 3(1), 4, 5, **Sch. 1** Table 1 (with Sch. 4)
- C2** S. 333(5)(6) applied (with modifications) (1.7.1999) by S.I. 1999/672, art. 5, **Sch. 2**

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334 The President and members of the panels.

- (1) No person may be appointed President or member of the chairmen's panel unless he ^[F14]satisfies the judicial-appointment eligibility condition on a 5-year basis.]
- (2) No person may be appointed member of the lay panel unless he satisfies such requirements as may be prescribed ^[F15]in regulations made by the Welsh Ministers with the agreement of the Secretary of State] .
- (3) If, in the opinion of the Lord Chancellor ^[F16] and of the Lord Chief Justice] , the President is unfit to continue in office or is incapable of performing his duties, the Lord Chancellor may ^[F17], with the concurrence of the Lord Chief Justice,] 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 ^[F18]Welsh Ministers] , and
 - (b) is eligible for re-appointment if he ceases to hold office.

Textual Amendments

- F14** Words in s. 334(1) substituted (21.7.2008) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 10 para. 28](#); S.I. 2008/1653, art. 2(d) (with arts. 3, 4)
- F15** Words in s. 334(2) inserted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), [Sch. 3 para. 131\(a\)](#)
- F16** Words in s. 334(3) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 4 para. 259\(a\)](#); S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(v)
- F17** Words in s. 334(3) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 4 para. 259\(b\)](#); S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(v)
- F18** Words in s. 334(5)(a) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), [Sch. 3 para. 131\(b\)](#)

Modifications etc. (not altering text)

- C3** S. 334(2) applied (with modifications) (1.7.1999) by S.I. 1999/672, art. 5, [Sch. 2](#)

^[F19]335 Remuneration and expenses.

- (1) The Welsh Ministers may pay to the President, and to any other person in respect of his service as a member of the Welsh Tribunal, such remuneration and allowances as the Welsh Ministers may determine.
- (2) The Welsh Ministers may defray the expenses of the Welsh Tribunal to such amount as they may determine.]

Textual Amendments

- F19** S. 335(1)(2) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), [Sch. 3 para. 132](#)

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Modifications etc. (not altering text)

C4 S. 335 applied (with modifications) (1.7.1999) by S.I. 1999/672, art. 5, Sch. 2

336 Tribunal procedure.

- (1) Regulations [^{F20}made by the Welsh Ministers] may make provision about the proceedings of the [^{F21}Welsh] 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 [^{F22}Welsh] 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,
 - ^{F23}(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 [^{F24}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 [^{F25}circumstances prescribed in the regulations] ,
 - (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 [^{F26}Welsh] Tribunal to review its decisions, or revoke or vary its orders, in such circumstances as may be determined in accordance with the regulations.
- ^{F27}(2A) Proceeding before the [^{F28}Welsh] Tribunal shall be held in private, except in [^{F29}circumstances prescribed in the regulations] .]
- ^{F30}(3) The Welsh Ministers may pay such allowances for the purpose of or in connection with the attendance of persons at the Welsh Tribunal as the Welsh Ministers may determine.]
- (4) Part I of the ^{M1}Arbitration Act 1996 shall not apply to any proceedings before the [^{F31}Welsh] Tribunal but regulations [^{F32}made by the Welsh Ministers] may make provision corresponding to any provision of [^{F33}that Part].
- ^{F34}(4A) [^{F35}Regulations made under subsection (1)] may make provision for an appeal under this Part to be heard, in [^{F36}circumstances prescribed in the regulations] , with a

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[^{F37}claim in relation to a contravention of Chapter 1 of Part 6 of the Equality Act 2010 so far as relating to disability.]]

- (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.

[^{F38}(5A) Any person who without reasonable excuse fails to comply with any requirement which—

- (a) is imposed by Tribunal Procedure Rules in relation to appeals under this Part made to the First-Tier Tribunal, and
 - (b) corresponds to a requirement mentioned in subsection (5)(a) or (b),
- is guilty of an offence.]

- (6) A person guilty of an offence under subsection (5) [^{F39}or (5A)] is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Textual Amendments

- F20** Words in s. 336(1) inserted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 133(a)(i)**
- F21** Word in s. 336(1) inserted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 133(a)(ii)**
- F22** Word in s. 336(2)(b) inserted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 133(b)(i)**
- F23** 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**
- F24** 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**
- F25** Words in s. 336(2)(j) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 133(b)(ii)**
- F26** Word in s. 336(2)(o) inserted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 133(b)(i)**
- F27** 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**
- F28** Word in s. 336(2A) inserted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 133(c)(i)**
- F29** Words in s. 336(2A) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 133(c)(ii)**
- F30** S. 336(3) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 133(d)**
- F31** Word in s. 336(4) inserted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 133(e)(i)**
- F32** Words in s. 336(4) inserted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 133(e)(ii)**

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- F33** 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**
- F34** 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
- F35** Words in s. 336(4A) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 133(f)(i)**
- F36** Words in s. 336(4A) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 133(f)(ii)**
- F37** Words in s. 336(4A) substituted by 2010 c. 15, Sch. 26 Pt. 1 para. 37 (as inserted (1.10.2010) by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), art. 1(2), **Sch. 1 para. 5**) (see S.I. 2010/2317, art. 2)
- F38** S. 336(5A) inserted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 133(g)**
- F39** Words in s. 336(6) inserted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 133(h)**

Modifications etc. (not altering text)

- C5** S. 336 applied (with modifications) (1.7.1999) by S.I. 1999/672, art. 5, **Sch. 2**

Marginal Citations

- M1** 1996 c. 23.

[^{F41} ^{F40} 336] Special Educational Needs Tribunal for Wales

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Textual Amendments

- F40** 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
- F41** S. 336ZA omitted (3.11.2008) by virtue of The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 134**

[^{F42} 336ZA] Appeals from the Welsh Tribunal to the Upper Tribunal

- (1) A party to any proceedings under this Part before the Welsh Tribunal may appeal to the Upper Tribunal on any point of law arising from a decision made by the Welsh Tribunal in those proceedings.
- (2) An appeal may be brought under subsection (1) only if, on an application made by the party concerned, the Welsh Tribunal or the Upper Tribunal has given its permission for the appeal to be brought.
- (3) Section 12 of the Tribunals, Courts and Enforcement Act 2007 (proceedings on appeal to Upper Tribunal) applies in relation to appeals to the Upper Tribunal under this section as it applies in relation to appeals to it under section 11 of that Act, but as if references to the First-tier Tribunal were references to the Welsh Tribunal.]

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Textual Amendments

- F42** S. 336ZB inserted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 135**

[^{F43}336A Compliance with orders

(1) If the Tribunal makes an order, the [^{F44}local authority] concerned must comply with the order before the end of the prescribed period beginning with the date on which it is made.

[^{F45}(2) In subsection (1), “prescribed” means prescribed by regulations made—

- (a) as to orders of [^{F46}the First-tier Tribunal] , by the Secretary of State,
- (b) as to orders of [^{F47}the Welsh Tribunal, by the Welsh Ministers] with the agreement of the Secretary of State.]]

Textual Amendments

- F43** 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](#))
- F44** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(2)** (with [Sch. 2 para. 7\(4\)\(5\)](#))
- F45** S. 336A(2) substituted (1.9.2003) by [Education Act 2002 \(c. 32\), s. 216\(3\)](#), **Sch. 18 para. 6** (with [ss. 210\(8\), 214\(4\), Sch. 18 para. 17](#)); [S.I. 2002/3185, art. 6, Sch. Pt. III](#)
- F46** Words in s. 336A(2)(a) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 136(a)**
- F47** Words in s. 336A(2)(b) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 136(b)**

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