
STATUTORY INSTRUMENTS

1994 No. 717

**The Education (Registered Inspectors of Schools
Appeal Tribunal) (Procedure) Regulations 1994**

PART 2:

**MAKING AN APPEAL TO THE TRIBUNAL
AND REPLY BY THE CHIEF INSPECTOR**

(B)

THE REPLY BY THE CHIEF INSPECTOR

Chief Inspector's reply

10.—(1) On receipt of a copy of a notice of appeal the Chief Inspector shall deliver to the Tribunal a written reply acknowledging service of the notice of appeal and stating:—

- (a) whether or not the Chief Inspector intends to oppose the appeal and the grounds on which he relies in opposing the appeal;
- (b) the name and address and (where appropriate) the profession of the representative (if any) of the Chief Inspector and whether such address is the address for service of the Chief Inspector for the purposes of the appeal;
- (c) whether the Chief Inspector wishes a hearing to be held or not.

(2) The Chief Inspector shall include with his reply a statement summarising the facts relating to the disputed decision and, if the reasons for it were not communicated to the appellant at the same time as the decision itself, the reasons for it, together with copies of the documents on which he relied in making the disputed decision, and shall deliver to the Tribunal an additional copy of the reply and of those documents so that the proper officer can provide a copy of each of them to the appellant.

(3) Every such reply shall be signed by a member of the Chief Inspector's staff who has been authorised by him to sign such documents and shall be delivered to the Tribunal not later than twenty-eight days after the date on which the copy of the notice of appeal was received by the Chief Inspector from the Tribunal.

(4) The Chief Inspector may include in the reply, or in a separate notice to the Tribunal:—

- (a) a request for further particulars of the appeal;
- (b) a request for a determination of any question as a preliminary issue.

(5) The provisions of paragraph (3) of regulation 14 shall apply in relation to any document required by paragraph (2) above to be included with the reply.

Amendment of reply and application for directions by the Chief Inspector

11.—(1) The Chief Inspector may at any time before he is notified of the date of the hearing of the appeal amend his reply or deliver a supplementary statement by way of reply.

(2) The Chief Inspector may amend any reply or supplementary statement with the leave of the Tribunal at any time after he has been notified of the date of the hearing of the appeal or at the hearing itself. The Tribunal may grant such leave on such terms as it thinks fit, including the payment of costs.

(3) The Chief Inspector may apply to the Tribunal to give directions as to any matter relating to the hearing of the appeal.

(4) The Chief Inspector shall send a copy of every amendment and supplementary statement to the Tribunal.

Failure to reply and absence of opposition

12. If no reply is received by the Tribunal within the time appointed by regulation 10(3) or any extension of time allowed by the Tribunal, or if the Chief Inspector states in writing that he does not resist the appeal, or withdraws his opposition to the appeal, the Tribunal may determine the appeal on the basis of the notice of appeal without a hearing.

Representation at, and action of the Chief Inspector on notification of, hearing

13.—(1) At the hearing of an appeal, the Chief Inspector may be represented by counsel or a solicitor or a member of his staff.

(2) When he receives a notice of the time and place of the hearing of the appeal, the Chief Inspector shall inform the Tribunal whether or not he intends to attend or be represented at the hearing, and whether or not he intends to call witnesses.

(3) If the Chief Inspector does not intend to attend or be represented at the hearing, he may send to the Tribunal additional written representations in support of his reply.