
STATUTORY INSTRUMENTS

2001 No. 600

The Special Educational Needs Tribunal Regulations 2001

PART 4

DETERMINATION OF APPEALS

Late written evidence

33.—(1) At the beginning of the hearing, a party may submit further written evidence which satisfies the conditions set out in paragraph (2) below unless the tribunal, after considering any representations from the other party, is of the opinion that that would be contrary to the interests of justice.

(2) The conditions referred to in paragraph (1) are that—

- (a) the evidence was not, and could not reasonably have been, available to that party before the end of the case statement period;
- (b) a copy of the evidence was sent or delivered to the Secretary of the Tribunal and to the other party to arrive at least 5 working days before the hearing; and
- (c) the extent and form of the evidence is such that, in the opinion of the tribunal, it is not likely to impede the efficient conduct of the hearing.

(3) If paragraph (1) does not apply, the tribunal may give a party permission to submit further written evidence at the hearing if it is of the opinion that—

- (a) the case is wholly exceptional; and
- (b) unless the evidence is admitted, there is a serious risk of prejudice to the interests of the child.

(4) Before the hearing the tribunal may refer to copies of evidence sent to the Secretary of the Tribunal under paragraph (2)(b) above for the purpose of considering whether or not it satisfies the conditions in paragraph (2); but if the evidence is not admitted the tribunal shall disregard it in determining the appeal.