

SCHEDULE 1

Consequential amendments

Special Educational Needs and Disability Tribunal (General Provisions and Disability Claims Procedure) Regulations 2002

188. After regulation 39 (review of the President’s decision) insert—

“Application for permission to appeal to the Upper Tribunal

39A.—(1) A party seeking permission to appeal on a point of law under section 336ZB of the Education Act 1996 (appeal to the Upper Tribunal) must make a written application to the tribunal for permission to appeal.

(2) An application under paragraph (1) must be sent or delivered to the Secretary of the Tribunal no later than 28 days after the latest of the dates that the Secretary of the Tribunal sent to the party making the application—

- (a) notification of the decision;
- (b) notification that an application for the decision to be reviewed has been unsuccessful; or
- (c) notification that the decision has been varied following a review.

(3) An application under paragraph (1) must—

- (a) identify the decision to which it relates;
- (b) identify the alleged error or errors of law in the decision; and
- (c) state the result the party making the application is seeking.

(4) The tribunal may give directions in relation to the determination of the application, and may make its decision on the application with or without a hearing.

(5) The Secretary of the Tribunal must send written notification of the tribunal’s decision on the application to the parties as soon as practicable.

(6) If the tribunal has refused the application the notification under paragraph (4) must also include—

- (a) the reasons for such refusal; and
- (b) notification of the right to make an application to the Upper Tribunal for permission to appeal and the time within which, and the method by which, such application must be made.

(7) The tribunal may give permission to appeal on limited grounds, but must comply with paragraph (6) in relation to any grounds on which it has refused permission.”.