
WELSH STATUTORY INSTRUMENTS

2012 No. 322

The Special Educational Needs
Tribunal for Wales Regulations 2012

PART B

SPECIAL EDUCATIONAL NEEDS APPEALS AND DISABILITY CLAIMS

Case preparation before the hearing

Case statements and supplementary provision

Change of local authority in an appeal

23.—(1) This regulation applies for the purposes of an appeal if, after the date on which the local authority made the disputed decision, the local authority is no longer responsible for the child within the meaning of section 321(3) of the 1996 Act (“the old authority”).

(2) Where paragraph (1) applies, the President may order that, for all the purposes of the appeal and on receiving evidence that this regulation applies, the name of the authority responsible for the child within the meaning of section 321(3) of the 1996 Act (“the new authority”) is substituted for the old authority.

(3) The old authority, the new authority and the appellant must have an opportunity to be heard before an order is made under paragraph (2).

(4) When an order is made under paragraph (2)—

- (a) the Secretary of the Tribunal must notify the old authority, the new authority and the appellant;
- (b) the old authority is no longer a party to the appeal;
- (c) the new authority becomes a party to the appeal;
- (d) these Regulations apply as if the new authority had made the disputed decision;
- (e) the Secretary of the Tribunal must send to the new authority copies of all the documents and written evidence relating to the appeal received by the Tribunal from the appellant and from the old authority;
- (f) the procedure for determining the appeal re-starts and regulation 15 applies as if the documents and written evidence sent in accordance with sub-paragraph (e) were part of the appeal application referred to in regulation 15(1).