
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

After the hearing

Application or proposal for review of the Tribunal's decision

56.—(1) A party may apply to the Secretary of the Tribunal for the decision of the President or the tribunal panel to be reviewed on the grounds that—

- (a) the decision was wrongly made as a result of a material error on the part of the Tribunal administration;
- (b) a party, who was entitled to be heard at the hearing but failed to appear or to be represented, had good and sufficient reason for failing to appear;
- (c) there was an obvious and material error in the decision; or
- (d) the interests of justice so require.

(2) An application that a decision of the President or the tribunal panel is reviewed must be made—

- (a) in writing stating the grounds;
- (b) no later than 28 days after the date on which the decision was sent to the parties.

(3) The President may—

- (a) on the application of a party or on the President's own initiative, review and set aside or vary any decision made by the President on a ground referred to in paragraph (1);
- (b) refuse an application for a review of the President's decision in accordance with paragraph (6).

(4) The President or the Chair of the tribunal panel which decided the case may—

- (a) on the application of a party, or on the President's or Chair's own initiative, review and set aside or vary any decision made by the tribunal panel on a ground referred to in paragraph (1);
- (b) refuse an application for a review of the tribunal panel's decision in accordance with paragraph (6).

(5) The Chair of the tribunal panel which decided the case may order a rehearing before the same or a differently constituted tribunal panel.

(6) An application for a review may be refused in whole or part by the President, or the Chair of the tribunal panel which decided the case, if in the President's or the Chair's opinion the whole or part of it has no reasonable chance of success.

(7) Unless an application for a review is refused in accordance with paragraph (6), the review must be determined after the parties have had an opportunity to be heard—

- (a) by the President, where the decision was made by the President;
- (b) where the decision was made by a tribunal panel, by the President or the tribunal panel which made the decision or by another tribunal panel appointed by the President.

(8) If the President or the Chair of the tribunal panel which decided the case proposes, on the President's or the Chair's own initiative, that a decision is reviewed—

- (a) the Secretary of the Tribunal must serve notice on the parties no later than 28 days after the date on which the decision was sent to the parties; and
- (b) the parties must have an opportunity to be heard.

(9) In determining an application or a proposal for a review under paragraphs (3), (4) or (7), the President or the Chair may give directions to be complied with before or at the hearing of the review.

(10) If a party fails to comply with a direction made under paragraph (9), the tribunal panel may take account of that fact when determining the review or deciding whether to make an order for costs.

(11) The President or the Chair may on the application of a party, give permission for that party to change a witness for the purpose of the review hearing.

(12) An application made under paragraph (11), must be received by the Secretary of the Tribunal and served by the applicant on the other party, no later than 14 days before the review hearing.

(13) The President or the Chair must give the parties the opportunity to be heard on any application made under paragraph (11).

(14) If a decision is set aside or varied following a review under this regulation the Secretary of the Tribunal must alter the entry in the Register and must notify the parties accordingly.