
WELSH STATUTORY INSTRUMENTS

2012 No. 322

**The Special Educational Needs
Tribunal for Wales Regulations 2012**

PART D

MISCELLANEOUS

Method of sending, submitting or serving notices and documents

79.—(1) A notice given under these Regulations must be in writing and a party whom the Regulations require to notify a matter to the Secretary of the Tribunal must do so in writing.

(2) Notices and documents to be provided under these Regulations must be—

- (a) sent by pre-paid post to the Secretary of the Tribunal or delivered by hand to the office of the Tribunal or such other office as the Secretary of the Tribunal may notify to the parties;
- (b) sent by facsimile transmission to the number specified for the Tribunal;
- (c) sent by email to the address specified for the Tribunal; or
- (d) sent or delivered by such other method as the Tribunal may permit or direct.

(3) A party who sends a notice or document to the Tribunal by email or facsimile transmission must not treat the notice or document as having been delivered unless its delivery has been acknowledged by the Tribunal.

(4) Subject to paragraph (5), if a party provides a facsimile number, email address or other details for the service of notices or documents to them, that party must accept delivery of documents by that method.

(5) If a party informs the Tribunal and the other party that a particular form of communication, other than pre-paid post or delivery by hand, must not be used to provide documents to that party, that form of communication must not be used.

(6) If the Tribunal or a party sends a document to a party or the Tribunal by email or any other electronic means of communication, the recipient may request that the sender provide a hard copy of the document to the recipient. The recipient must make such a request as soon as reasonably practicable after receiving the document electronically.

(7) The Tribunal and each party may assume that the address provided by a party or a representative is and remains the address to which documents must be sent or delivered unless they receive written notification to the contrary.

(8) Notices and documents which these Regulations authorise or require the President, the tribunal panel or the Secretary of the Tribunal to send may (subject to paragraph (10)) either be sent by first class post, by facsimile transmission to, by email to or delivered at—

(a) in the case of a party—

- (i) the party's address for service specified in the appeal application or the claim application or in a written reply or in a notice under paragraph (9), or

- (ii) if no address for service has been so specified the party's last known address; and
 - (b) in the case of any other person, the person's place of residence or business or if the person is a corporation, the corporation's registered or principal office.
- (9) A party may at any time by notice to the Secretary of the Tribunal change that party's address for service under these Regulations.
- (10) The recorded delivery service must be used instead of first class post for service of a summons issued under regulation 48 requiring the attendance of a witness.
- (11) A notice or document sent by the Tribunal by first class post in accordance with these Regulations, and not returned to the Tribunal, is to be taken to have been received by the addressee on the second working day after the date of posting, unless the contrary is shown.
- (12) The date of posting is to be presumed, unless the contrary is shown, to be the date shown in the postmark on the envelope in which the notice or document is contained.
- (13) A notice or document sent by the Tribunal to a party using email or facsimile transmission is to be taken to have been delivered when it is received in legible form.
- (14) Where for any sufficient reason service of any document or notice cannot be effected in the manner prescribed under this regulation, the President or the tribunal panel may dispense with service or make an order for substituted service in such manner as the President or the tribunal panel may deem fit and such service must have the same effect as service in the manner prescribed under this regulation.