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WELSH STATUTORY INSTRUMENTS

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**2021 No. 406**

**The Education Tribunal for Wales Regulations 2021**

*Tribunal enquiries*

**Evidence at hearing**

**43.**—(1) Subject to regulation 40(6), in the course of the hearing the parties are entitled to give evidence, to call witnesses, to question any witness and to address the tribunal panel both on the evidence, including the written evidence submitted before the hearing, and generally on the subject matter of the appeal or the claim.

(2) A party is not entitled to call more than two witnesses to give evidence orally unless the President or the tribunal panel has given permission on application by a party (in addition to any witness whose attendance is required in accordance with paragraph (6)).

(3) The President or the tribunal panel may permit the following persons to give evidence and address the tribunal panel on the subject matter of the appeal or the claim—

- (a) the child, where the child is not a party to the appeal or the claim;
- (b) the parent of the child, where the parent is not a party to the appeal or the claim;
- (c) a person who has submitted a declaration of suitability to the Tribunal in accordance with regulation 61 to act as a case friend.

(4) The President or the tribunal panel may permit—

- (a) the person, if any, named in response to an enquiry under regulation 24(a)(vii) to give evidence and address the tribunal panel on the child's or young person's views and wishes, and
- (b) the local authority or the responsible body to question the person specified in subparagraph (a) in relation to any evidence or address made to the tribunal panel.

(5) Evidence before the tribunal panel may be given—

- (a) orally, or
- (b) by written statement if such evidence is submitted with the appeal application or claim application or the case statement or in accordance with regulation 47.

(6) The President or the tribunal panel may, at any stage of the appeal or the claim, require the personal attendance of any maker of any written statement.

(7) The President or the tribunal panel may receive evidence of any fact which appears to the President or the tribunal panel to be relevant.

(8) The President or the tribunal panel may require any party or witness to give evidence on oath or affirmation, and for that purpose there may be administered an oath or affirmation in the correct form, or may require any evidence given by a written statement to be given by statement of truth.