
WELSH STATUTORY INSTRUMENTS

2021 No. 406

The Education Tribunal for Wales Regulations 2021

Children who lack capacity and case friends

Steps in proceedings

62.—(1) If during the appeal or the claim the President or the tribunal panel make a finding that a child appellant or claimant lacks capacity to understand within the meaning of section 85(1) of the 2018 Act and requires a case friend to conduct the proceedings on its behalf, no party may take any further step in the appeal or the claim without the President's or the tribunal panel's permission until and unless a person who wishes to act as the appellant's or the claimant's case friend has submitted an application to the Tribunal in accordance with regulation 61.

(2) Where the President or tribunal panel has ordered that a person is a case friend, the Secretary of the Tribunal must send a copy of the order to the case friend, the child's parent and to the child's school and local authority.

(3) Where the President or tribunal panel has ordered that a person is a case friend, the Secretary of the Tribunal must send all documents and notices concerning the appeal or claim to the case friend instead of the appellant or the claimant.

(4) If paragraph (3) applies, references in these Regulations (however expressed) to sending documents to, or giving notice to, the appellant or the claimant must be construed as references to sending documents to, or giving notice to, the case friend.

Commencement Information

II [Reg. 62](#) in force at 1.9.2021, see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Education Tribunal for Wales Regulations 2021, Section 62.