
STATUTORY INSTRUMENTS

1996 No. 274

The Education (Northern Ireland) Order 1996

PART II

CHILDREN WITH SPECIAL EDUCATIONAL NEEDS

Special Educational Needs Tribunal for Northern Ireland

Tribunal procedure

23.—(1) Regulations may make provision about the proceedings of the Tribunal on an appeal under this Part and the initiation of such an appeal.

(2) The regulations may, in particular, include provision—

- (a) as to the period within which, and the manner in which, appeals are to be instituted,
- (b) where the jurisdiction of the Tribunal is being exercised by more than one tribunal—
 - (i) for determining by which tribunal any appeal is to be heard, and
 - (ii) for the transfer of proceedings from one tribunal to another,
- (c) for enabling any functions which relate to matters preliminary or incidental to an appeal to be performed by the President, or by the chairman,

Sub#para. (d) rep. by 2005 NI 6

- (e) for hearings to be conducted in the absence of any member, other than the chairman,
- (f) as to the persons who may appear on behalf of the parties,
- (g) for granting any person such discovery or inspection of documents or right to further particulars as might be granted by a county court,
- (h) requiring persons to attend to give evidence and produce documents,
- (i) for authorising the administration of oaths to witnesses,
- (j) for the determination of appeals without a hearing in prescribed circumstances,
- (k) as to the withdrawal of appeals,
- (l) for the award of costs or expenses,
- (m) for taxing or otherwise settling any such costs or expenses (and, in particular, for enabling such costs to be taxed in the county court),
- (n) for the registration and proof of decisions and orders, and
- (o) for enabling the Tribunal to review its decisions, or revoke or vary its orders, in such circumstances as may be determined in accordance with the regulations.

[^{F1}(2A) Proceeding before the Tribunal shall be held in private, except in prescribed circumstances.]

Changes to legislation: *The Education (Northern Ireland) Order 1996, Section 23 is up to date with all changes known to be in force on or before 08 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) The Department may pay such allowances for the purpose of or in connection with the attendance of persons at the Tribunal as it may with the approval of the Department of Finance and Personnel determine.

[^{F1}(4) Part I of the Arbitration Act 1996 shall not apply to any proceedings before the Tribunal, but regulations may make provision corresponding to any provision of that Part.]

[^{F1}(4A) The regulations may make provision for an appeal under this Part to be heard, in prescribed circumstances, with a claim under Chapter I of Part III of the Special Educational Needs and Disability (Northern Ireland) Order 2004.]

(5) Any person who without reasonable excuse fails to comply with—

(a) any requirement in respect of the discovery or inspection of documents imposed by the regulations by virtue of paragraph (2)(g), or

(b) any requirement imposed by the regulations by virtue of paragraph (2)(h),

is guilty of an offence.

(6) A person guilty of an offence under paragraph (5) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

F1 2005 NI 6

Modifications etc. (not altering text)

C1 Art. 23 functions transferred from Department of Education to Department of Justice (1.4.2011) by [Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2011 \(S.R. 2011/44\)](#), arts. 1(2), 3 (with art. 8(2))

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Changes and effects yet to be applied to :

- [art. 23\(2A\)](#) inserted by [2016 c. 8 \(N.I.\) s. 12\(2\)](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- [Sch. 1 para. 3\(1\)\(b\)\(i\)\(ii\)](#) and preceding word inserted by [2016 c. 8 \(N.I.\) Sch. para. 14\(2\)](#)
- [Sch. 1 para. 4\(1\)\(a\)\(b\)](#) and preceding word inserted by [2016 c. 8 \(N.I.\) Sch. para. 14\(4\)](#)
- [Sch. 2 para. 2\(1\)\(a\)\(b\)](#) and preceding word inserted by [2016 c. 8 \(N.I.\) Sch. para. 15\(2\)](#)
- [Sch. 2 para. 9\(1\)\(a\)\(b\)](#) and preceding word substituted by [2016 c. 8 \(N.I.\) Sch. para. 15\(12\)](#)
- [Sch. 2 para. 13\(2\)\(a\)\(i\)\(ii\)](#) and preceding word substituted by [2016 c. 8 \(N.I.\) Sch. para. 15\(20\)](#)
- [Sch. 2 para. 11\(1\)\(a\)\(aa\)](#) substituted for [Sch. 2 para. 11\(1\)\(a\)](#) by [2016 c. 8 \(N.I.\) Sch. para. 15\(14\)](#)
- [art. 5A](#) inserted by [2016 c. 8 \(N.I.\) s. 1](#)
- [art. 6A](#) inserted by [2016 c. 8 \(N.I.\) s. 2](#)
- [art. 8\(1\)\(d\)-\(f\)](#) inserted by [2016 c. 8 \(N.I.\) s. 3\(2\)\(c\)](#)
- [art. 8\(1A\)-\(1C\)](#) inserted by [2016 c. 8 \(N.I.\) s. 3\(3\)](#)
- [art. 8\(2A\)](#) inserted by [2016 c. 8 \(N.I.\) s. 3\(4\)](#)
- [art. 8ZA](#) inserted by [2016 c. 8 \(N.I.\) s. 3\(5\)](#)
- [art. 10\(3\)\(a\)\(b\)](#) substituted for words by [2016 c. 8 \(N.I.\) Sch. para. 4](#)
- [art. 12A](#) inserted by [2016 c. 8 \(N.I.\) s. 4](#)
- [art. 14\(4A\)\(4B\)](#) inserted by [2016 c. 8 \(N.I.\) s. 5\(3\)](#)
- [art. 15\(4\)\(a\)\(b\)](#) and preceding word inserted by [2016 c. 8 \(N.I.\) Sch. para. 5\(4\)](#)
- [art. 15\(6\)\(a\)\(b\)](#) and preceding word inserted by [2016 c. 8 \(N.I.\) Sch. para. 5\(5\)](#)
- [art. 17\(1\)\(a\)\(b\)](#) and preceding word substituted for words by [2016 c. 8 \(N.I.\) Sch. para. 7\(2\)](#)
- [art. 18A\(4\)\(ba\)](#) inserted by [2016 c. 8 \(N.I.\) s. 9\(4\)\(b\)](#)
- [art. 19\(1A\)-\(1C\)](#) inserted by [2016 c. 8 \(N.I.\) s. 8\(3\)\(a\)](#)
- [art. 19\(2\)\(ba\)](#) inserted by [2016 c. 8 \(N.I.\) s. 8\(3\)\(b\)\(ii\)](#)
- [art. 20A\(7\)\(a\)\(b\)](#) and preceding word inserted by [2016 c. 8 \(N.I.\) Sch. para. 11\(4\)](#)
- [art. 20A\(8\)\(a\)\(i\)\(ii\)](#) and preceding word substituted for words by [2016 c. 8 \(N.I.\) Sch. para. 11\(5\)](#)
- [art. 21\(5\)-\(10\)](#) added by [2016 c. 8 \(N.I.\) s. 9\(2\)](#)
- [art. 21A\(4\)-\(7\)](#) inserted by [2016 c. 8 \(N.I.\) Sch. para. 12\(4\)](#)
- [art. 21B\(3A\)-\(4\)](#) substituted for [art. 21B\(4\)](#) by [2016 c. 8 \(N.I.\) s. 10\(2\)](#)
- [art. 21C](#) inserted by [2016 c. 8 \(N.I.\) s. 10\(4\)](#)
- [art. 21ZA](#) inserted by [2016 c. 8 \(N.I.\) s. 9\(3\)](#)