
STATUTORY RULES OF NORTHERN IRELAND

1997 No. 315

**Special Educational Needs Tribunal
Regulations (Northern Ireland) 1997**

Part II

Making an Appeal to the Tribunal and Reply by the Board

(B)

The Reply by the Board

Action by the board on receipt of a notice of appeal

12.—(1) A board which receives a copy of a notice of appeal shall deliver to the Secretary of the Tribunal a written reply acknowledging service upon it of the notice of appeal and stating—

- (a) whether or not the board intends to oppose the appeal and, if it does intend to oppose the appeal, the grounds on which it relies; and
- (b) the name and profession of the representative of the board and the address for service of the board for the purposes of the appeal.

(2) A written reply under paragraph (1) shall include—

- (a) a statement summarising the facts relating to the disputed decision;
- (b) if they are not part of the decision, the reasons for the disputed decision; and
- (c) subject to regulation 13(3) all written evidence which the board wishes to submit to the tribunal.

(3) A written reply under paragraph (1) shall be signed by an officer of the board who is authorised to sign such documents and shall be delivered to the Secretary of the Tribunal not later than 20 working days after the date on which the copy of the notice of appeal was received by the board from the Secretary of the Tribunal.

Amendment of reply by the board

13.—(1) The board, if it has delivered a written reply pursuant to regulation 12, may, in an exceptional case—

- (a) with the permission of the President at any time before the hearing; or
- (b) with the permission of the tribunal at the hearing itself,

amends its reply, deliver a supplementary written reply or amend such a supplementary reply.

(2) The President or, as the case may be, the tribunal may give permission under paragraph (1) on such terms as he or it thinks fit including the payment of costs or expenses.

(3) The board may, in an exceptional case—

- (a) with the permission of the President at any time within 15 working days from the date on which the parent could have delivered a written response under regulation 8(1); or
 - (b) with the permission of the tribunal at the hearing itself deliver—
 - (i) written evidence (if it has not previously done so); or
 - (ii) further written evidence.
- (4) The board shall before the hearing send to the Secretary of the Tribunal a copy of every amendment and supplementary statement made by it, including any written evidence delivered under paragraph (3).

Failure to reply and absence of opposition

14. If no reply is received by the Secretary of the Tribunal within the time appointed by regulation 12(3) or if the board states in writing that it does not resist the appeal, or withdraws its opposition to the appeal, the tribunal shall—

- (a) determine the appeal on the basis of the notice of appeal without a hearing; or
- (b) without notifying the board, hold a hearing at which the board is not represented.

Representation at hearing and further action by the board

- 15.—(1) At a hearing or part of a hearing the board may be represented by one person: Provided that if the President gives permission before the hearing or the tribunal gives permission at the hearing the board may be represented by more than one person.
- (2) The board shall supply the Secretary of the Tribunal with the information requested in the enquiry made under regulation 17.
- (3) If the board does not intend to attend or be represented at the hearing it may, not less than 5 working days before the hearing, send to the Secretary of the Tribunal additional written representations in support of its reply.