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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 88**

**The Additional Support Needs Tribunals for  
Scotland (Practice and Procedure) Rules 2006**

**PART I  
GENERAL**

**Interpretation**

- 2.—(1) In these Rules, unless the context otherwise requires—
- “the Act” means the Education (Additional Support for Learning) (Scotland) Act 2004;
  - “the appellant” means the person who makes a reference to a Tribunal under section 18 of the Act;
  - “an appeal committee” means a committee set up under section 28D of the Education (Scotland) Act 1980(1);
  - “the authority” means the education authority responsible for the school education of the child or young person;
  - “case statement period” means the period referred to in rule 8;
  - “the child or young person” means the child or young person to whom a reference relates;
  - “convener” means the President or individual selected by the President from the panel (“the panel of conveners”) appointed by the Scottish Ministers under paragraph 3(1)(a) of schedule 1 to the Act to act as the convener of a Tribunal;
  - “decision” in relation to a Tribunal includes—
    - (a) an order, including dismissal of a reference;
    - (b) a requirement under section 19 of the Act; and
    - (c) a reference by a Tribunal to an appeal committee under section 19(5)(c) of the Act;
  - “electronic communication” has the meaning given to it by section 15(1) of the Electronic Communications Act 2000(2) and “electronic signature” has the same meaning as in section 7 of that Act;
  - “grounds of reference” includes the matters specified in rule 5(2)(f) and (g);
  - “hearing” means a sitting of a Tribunal for the purpose of enabling the Tribunal to take a decision on a reference or on any question or matter at which the parties are entitled to attend and be heard;
  - “members” means the individuals selected by the President from the panel (“the panel of members”) appointed by the Scottish Ministers under paragraph 3(1)(b) of Schedule 1 to the Act to act as a member of a Tribunal;

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(1) 1980 c. 44; section 28D was inserted by section 1 of the Education (Scotland) Act 1981 (c. 58).

(2) 2000 c. 7.

“overriding objective” means the objective referred to in rule 3;

“party” means either the appellant or authority in respect of any reference made to a Tribunal;

“reference” means a reference under section 18(1) of the Act;

“Register” means the Register of References to the Tribunals kept in pursuance of rule 44;

“response” means a written response submitted by an authority under rule 10;

“the Secretary” means the member of the Tribunal staff for the time being appointed to act as secretary to the Tribunals;

“working day” means any day which is not–

- (a) a Saturday;
- (b) a Sunday;
- (c) a day from 27th December to 31st December inclusive;
- (d) a day in July; or
- (e) a day specified as a bank holiday in Scotland in or by virtue of the Banking and Financial Dealings Act 1971(3);

“in writing” has the meaning in section 29(5) of the Act; and

“written evidence” includes evidence recorded in any way.

(2) In these Rules–

- (a) a reference to a rule is a reference to a rule in these Rules, and in any rule a reference to a paragraph or sub paragraph is, unless the context requires otherwise, a reference to a paragraph or sub paragraph in the rule; and
- (b) where the time prescribed by these Rules for doing any act expires on a day which is not a working day, that act is done in time if it is done on the next working day.