
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 88

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

PART VI

MISCELLANEOUS

Change of authority

41.—(1) This rule applies if, after the date of receipt by the Secretary of a reference, an education authority (“the new authority”) other than the authority named in the notice of reference (“the original authority”) becomes responsible for the school education of the child or young person.

(2) On receiving information that this rule applies a convener or a Tribunal at a hearing may order that, for all the purposes of the reference, the new authority be substituted for the original authority.

(3) The appellant, the original authority and the new authority shall have an opportunity to be heard before an order is made under paragraph (2).

(4) When an order is made under paragraph (2)—

- (a) the Secretary shall notify the appellant, the original authority and the new authority;
- (b) the original authority shall no longer be a party;
- (c) the new authority shall become a party;
- (d) these Rules shall apply as if the new authority had made the decision or was responsible for the failure or information to which the reference relates;
- (e) the Secretary shall send to the new authority copies of all the documents and written evidence relating to the reference duly received by the Tribunal from the appellant or from the original authority; and
- (f) the convener or the Tribunal shall give directions as to further procedure and in particular may set new dates for the new case statement period or for any hearing.