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WELSH STATUTORY INSTRUMENTS

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**2012 No. 322**

**The Special Educational Needs  
Tribunal for Wales Regulations 2012**

**PART B**

**SPECIAL EDUCATIONAL NEEDS APPEALS AND DISABILITY CLAIMS  
COMMENCING PROCEEDINGS**

*Making an appeal or claim*

**Period within which proceedings must be commenced**

**12.**—(1) An appeal to the Tribunal must be made by application in writing in accordance with these Regulations and must be received by the Tribunal no later than the first working day after the expiry of two months beginning with the date when written notice of the local authority's decision and the right to appeal under Part 4 of the 1996 Act against that decision was given<sup>(1)</sup>.

(2) If, in relation to an appeal or a prospective appeal, the dispute concerned is referred for dispute resolution under section 332BA of the 1996 Act<sup>(2)</sup> before the end of the period specified in paragraph (1), the period allowed by that paragraph is extended by three months.

(3) A claim to the Tribunal must be made by application in writing in accordance with these Regulations and must be received by the Tribunal no later than the first working day after the end of the period stated in paragraph 4(1) of Schedule 17 to the 2010 Act<sup>(3)</sup>.

(4) If, in relation to a claim or a prospective claim, the dispute concerned is referred for dispute resolution under paragraph 6C of Schedule 17 to the Equality Act 2010<sup>(4)</sup> or conciliation under section 27(1) of the Equality Act 2006<sup>(5)</sup> before the end of the period specified in paragraph (1), the period allowed by that paragraph is extended by three months.

(5) Subject to regulation 17, the Tribunal may not consider—

- (a) an appeal application unless proceedings are commenced in accordance with paragraphs (1) and (2);
- (b) a claim application unless proceedings are commenced in accordance with paragraphs (3) and (4).

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(1) See the Education (Special Educational Needs) Regulations 2002, regulation 5 (service) (S.I.2002/152).

(2) Section 332BA was inserted by section 5 of the Education (Wales) Measure 2009.

(3) Paragraph 4(1) of Schedule 17 to the Equality Act 2010 stipulates the period in which a claim must be made to the Tribunal. Sub-paragraph (2) makes provision in relation to proceedings or prospective proceedings where the dispute is referred for conciliation.

(4) Paragraph 6C was inserted into Schedule 17 to the Equality Act 2010 by S.I. 2011/1651.

(5) 2006 c. 3: section 27(1) was substituted by paragraph 16 of Schedule 26 to the Equality Act 2010; paragraph 16 was renumbered as paragraph 71 of Schedule 26 by paragraph 1 (c) of Schedule 1 to S.I. 2010/2279; section 27(1) subsequently amended by S.I. 2011/1060.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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