



Isle of Man

Ellan Vannin

V10

EDUCATION (AMENDMENT) BILL 2025



EDUCATION (AMENDMENT) BILL 2025

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EDUCATION (AMENDMENT) BILL 2025

A **BILL** to amend the Education Act 2001 to broaden the scope of religious education in schools beyond Christianity; to permit a school to refuse to register a child in specified circumstances despite the child being resident in the school's catchment area; to provide for additional educational needs and associated provision; to require parents to update the Department annually regarding the arrangements for educating their children; to provide for children to be educated elsewhere than at school premises in specified circumstances; to enable children who are looked after to access educational opportunities equivalent to those available to other children; to give the Department more autonomy to provide funding support for education and training; to provide for the temporary closure of schools by the Department; to permit the closure of year groups due to capacity; to authorise the sharing information for safeguarding purposes; to permit the Department to refuse application for home education under safeguarding circumstances; provide for an independent appeal regarding pupils with additional educational needs; and for connected purposes.

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows:—

PART 1 – INTRODUCTORY

1 Short title

The short title of this Act is the Education (Amendment) Act 2025.

2 Commencement

- (1) This Act commences on the day or days specified in an order made by the Department.
- (2) An order may specify that this Act commences on different days for different purposes.

- (3) An order may include such consequential, incidental, supplementary, savings, transitional and transitory provision as the Department considers necessary or expedient.

PART 2 – AMENDMENTS TO THE EDUCATION ACT 2001

3 Amendment of the Education Act 2001

- (1) The *Education Act 2001* (“the Act”) is amended as follows.
- (2) In this Part, all references hereafter to a section or other provision pertain to the Act unless otherwise expressly indicated.


4 Amendment of section 2

- (1) In section 2(4) –
- (a) omit “and” at the end of paragraph (b);
 - (b) after paragraph (c), insert –
 - ▣(d) provide any number of alternative provision centres it considers appropriate. ▣.
- (2) In section 2(5), after paragraph (c) insert –
- ▣(d) a centre provided by the Department and specially organised for the purpose of discharging its duty under section 1 in respect of [pupils of compulsory school age] that cannot safely be educated in a provided school, a maintained school, a special school or an independent school, because of –
 - (i) violent behaviour;
 - (ii) a court order that imposes a restriction on the pupil’s access to another specified pupil or other pupils;
 - (iii) any other sufficient reason,
 is referred to as an “**alternative provision centre**”. ▣.

5 Amendment of section 3

After section 3(1), insert –

- ▣(1A) The Department may by order provide for the establishment of a virtual school, which shall –
 - (a) be a school without a physical location and that promotes both primary and secondary education;
 - (b) be operated in collaboration with every provided school, maintained school and special school (“the other government schools”) with a view to ensuring that its

- educational offerings are broadly in line with those of the other government schools;
- (c) only accept pupils who –
- (i) are not younger than 5 years old and have not attained the age of 19 years;
 - (ii) are registered at one of the other government schools (where of compulsory school age) or at a college (if older than compulsory school age but under the age of 18); and
 - (iii) are subject to a care order or an interim care order under Part 4 of the *Children and Young Persons Act 2001*, or are qualified to be looked after by DHSC under section 25, 27 or 76 of that Act;
- (d) have made by the Department for it everything the Department is required to make under section 5 for the schools mentioned therein;
- (e) be subject to –
- (i) section 5A; and
 - (ii) section 6(1) and (3),
- as if it were mentioned therein; and
- (f) for the purposes of the definition of “**school**” in section 59(1), be a school maintained by the Department.
- Tynwald procedure – approval required. .

6 Insertion of new section: section 3A

After section 3, insert –

3A Alternative provision centres

- (1) The Department may by order –
- (a) establish an alternative provision centre (“APC”) and, in so doing, may provide for the establishment to be deemed to have occurred at any time prior to the commencement of the order;
 - (b) provide for the constitution and staffing of an APC;
 - (c) impose restrictions on the matters for which articles of government (see subsection (2)(b)) provide, or prescribe matters for which articles of government must provide, or both;
 - (d) prescribe criteria for admission to an APC in addition to those specified in section 2(2)(d);

- (e) prescribe the maximum number of pupils that may attend an APC at any given time;
- (f) specify the procedure for referral of a pupil to an APC;
- (g) specify the circumstances in which a pupil may be discharged from an APC.

Tynwald procedure – approval required.

(2) The Department –

- (a) may make different provisions for each APC as it considers appropriate;
- (b) must ensure that articles of government –
 - (i) are produced in respect of each APC; and
 - (ii) are periodically reviewed and, where considered necessary, amended.

(3) The Department may by regulations provide for any matters for which, by virtue of restrictions imposed by order pursuant to subsection (1)(c), articles of government cannot provide.

Tynwald procedure – affirmative.

(4) The Department may enter into any commercial arrangement it considers suitable for the purpose of securing suitable premises for the location of an APC –

- (a) subject to Treasury concurrence; and
- (b) having due regard to the views of the Department of Health and Social Care on the suitability of the proposed premises.

(5) The Department must ensure that the registration of a pupil at the school the pupil attended before being referred to an APC is maintained despite the pupil’s attendance at the APC.

(6) For the avoidance of doubt and without limiting its meaning in any provision of this Act other than section 2(5)(d), “pupil” in this section is limited to a child of compulsory school age. ²².

7 Amendment of section 12

(1) For section 12(2)(b), substitute –

²³(b) shall include instruction on the tenets of Christianity and other religions; but ²².

(2) In section 12(2)(c), between “formulary” and “which” insert ²⁴or any similar thing ²².

- (3) In the words after paragraph (d) in section 12(4), between “formulary” and “which” insert **63** or any similar thing **62**.

8 Amendment of section 13

In section 13(2), omit “all”.

9 Amendment of section 15

- (1) In section 15(2), after paragraph (c) insert —

- 63**(d) that, due to having reached or exceeded its capacity for the appropriate year group, the school is unable to accommodate the child;
- (e) that, due to the child’s history of violent or otherwise dangerous behaviour, the child’s attendance at the school would pose a danger to pupils. **62**.

- (2) For section 15(3), substitute —

- 63**(3) A parent aggrieved by —
- (a) the Department’s issue of a certificate under subsection (2)(a); or
- (b) the Department’s refusal of a request under subsection (1) or either of the grounds specified in paragraphs (a) and (b) of subsection (2),
- may appeal to the Education (Miscellaneous Decisions) Appeal Tribunal. **62**.

- (3) Section 15 is further amended by section 15(1)(c) of this Act.

10 Insertion of section 15A: Redirection of pupils

After section 15, insert —

63 15A Redirection of pupils

- (1) Where the condition in subsection (2) is met, the head teacher of a provided school or maintained school may, with the approval of the Department, redirect a pupil of that school to another provided school or maintained school or, if appropriate, to an alternative provision centre.
- (2) The condition is that the head teacher is satisfied that, due to the pupil’s history of violent or otherwise dangerous behaviour, the pupil’s continued attendance at the school would pose a danger to other pupils.
- (3) Where the head teacher proposes to exercise the power under subsection (1), the head teacher must —

- (a) seek the written approval of the Department and not take any further steps until it has been obtained;
 - (b) no later than 14 days before the proposed date of the redirection, send written notice to the pupil's parent or guardian specifying the reason for the redirection.
- (4) On being so directed by the Department, the school or facility to which the pupil is directed must register the pupil.
 - (5) A parent or guardian aggrieved by the exercise of the power under subsection (1) or a decision taken under section 15(2)(d) or (e) may appeal to the Education (Miscellaneous Decisions) Appeal Tribunal.
- Tynwald procedure – approval required. **22**.

11 Amendment of section 16

After section 16(2), insert –

- 66**(3) Regulations under subsection (1) shall be construed and implemented subject to the Department's exercise of its power under this subsection, namely –
 - (a) the Department may direct that the name of a pupil of compulsory school age be retained on the register despite the proprietor's having received written notification from the parent that the pupil is receiving education otherwise than at school; but
 - (b) the Department has the power in paragraph (a) only where –
 - (i) it has been consulted with by DHSC under section 46(5) of the *Children and Young Persons Act 2001* with respect to matters connected with the education of the pupil that DHSC perceives should be investigated; and
 - (ii) the Department, having investigated those matters, has concluded that there are legitimate concerns regarding the pupil's education that make it prudent for the school to continue to take an interest in the pupil's educational progress.
- (4) The Department may share with DHSC its register of children educated otherwise than by regular attendance at school (or any portion thereof) where DHSC has indicated to the Department it requires the register (or a portion thereof) for the purpose of performing any of its functions under the *Children and Young Persons Act 2001*.

- (5) For the avoidance of doubt, the processing of personal data constituted by the sharing provided for in subsection (4) is necessary for the performance of a task carried out in the public interest (within the meaning of Article 6(1)(e) of the applied GDPR).
- (6) In subsection (6), “**the applied GDPR**” has the meaning given in regulation 5(1) of the GDPR and LED Implementing Regulations 2018¹. **22**.

12 Amendment of section 18

In section 18(4)(b), between “schools” and the semicolon insert **23** or maintained schools **22**.

13 Amendment of section 19

In section 19 —

- (a) for the heading, substitute **23** Personalised learning plans”;
- (b) for “report on” in subsection (1)(b), substitute **23** personalised learning plan (“PLP”) detailing **22**;
- (c) for “report” substitute **23** PLP **22** in the following provisions —
 - (i) subsection (2);
 - (ii) subsection (3);
 - (iii) subsection (5), in the chapeau (once) and once each in paragraph (a) and paragraph (b);
 - (iv) subsection (7) (three times);
 - (v) subsection (8), in the chapeau (once), twice in paragraph (a), and twice in paragraph (d);
- (d) omit paragraph (b) of subsection (8); and
- (e) after subsection (8), insert —
 - 23**(9) The Department may publish guidance in respect of —
 - (a) additional educational needs;
 - (b) provision planning;
 - (c) assessments under section 18(3);
 - (d) rights of appeal,
 and the members of staff of every school must have regard to such guidance.
 - (10) A parent aggrieved by the proposal referred to in subsection (8)(a) may appeal to the Education (Miscellaneous Decisions) Appeal Tribunal. **22**.

¹ SD 2018/0145

14 Insertion of section 21E: Temporary closure of schools

After section 21D, insert —

21E Temporary closure of schools

- (1) The Department may at any time direct any school to close for a specified duration where it is satisfied that, in the interest of safety, the school ought not to open or remain open (as the case may be) on account of —
 - (a) adverse weather;
 - (b) a public health emergency;
 - (c) the risk or threat of harm to the school community;
 - (d) any other risk, threat or occurrence of similar gravity.
- (2) A direction under subsection (1) —
 - (a) in cases of extreme urgency, may be made orally and disseminated via broadcast media; but
 - (b) in any event, must be reduced to writing and made available to the head teacher or other suitable official of the school as soon as is reasonably practicable.
- (3) The Department may at any time lengthen or reduce the duration of the school closure if satisfied that doing so is warranted and, in that event, must communicate the change in duration to schools in the same way the initial closure was communicated.
- (4) A school closure applies to —
 - (a) all pupils; and
 - (b) all members of staff, unless otherwise specified in the direction.
- (5) Any person other than a member of staff specified in the direction who enters the school premises while the closure is in effect is liable to such reasonable disciplinary action as the head teacher considers appropriate.
- (6) The Department may from time to time issue guidance pertaining to closure of schools under this section and all schools must have regard to the most up-to-date guidance so issued.
- (7) For the avoidance of doubt, there is no breach of the duty under either section 24 or section 29 where the reason a child does not attend school in any period is that the school at which the child is registered as a pupil is closed for the duration of that period. **22**.

15 Amendment of section 24A

For subsection (1) of section 24A, substitute —

- 33(1) Where a child of compulsory school age is not a registered pupil at a provided school, maintained school or special school, the parent of the child must –
- (a) in the first term of the academic year in which the child would otherwise have been expected to be so registered, notify the Department in writing of the alternative arrangements made for the child to receive education in that academic year; and
 - (b) before (or as soon as possible after) the commencement of each subsequent academic year, notify the Department in writing that, as the case may be –
 - (i) the alternative arrangements made for the child’s education remain the same as in the preceding academic year; or
 - (ii) different arrangements (which must be specified in the notice) have been made for the child’s education, but the parent need not notify the Department in respect of a subsequent academic year if alternative arrangements have been abandoned and the child has instead been registered for that academic year at a provided school, maintained school or special school. 34.

16 Amendment of section 37

In section 37 –

- (a) number the existing text as subsection (1);
- (b) omit “without hardship to themselves or their parents” from the existing text; and
- (c) insert the following after the existing text –
 - 35(2) The Department, with the concurrence of the Treasury, may by regulations –
 - (a) specify the courses of study for which funding can be made available under subsection (1) and conditions to which such availability is subject;
 - (b) provide for the payment of childcare credit and connected matters.
 Tynwald procedure – approval required.
 - (3) In subsection (2), “childcare credit” means the cash equivalent paid to a child day care centre or childminder per eligible child, the amount of which is notified on the Department’s website www.gov.im.
 - (4) In the definition of “childcare credit” in subsection (3) –

“child day care centre” has the same meaning as in section 20 of the *Regulation of Care Act 2013*;

“childminder” means a person registered under the *Regulation of Care Act 2013* to look after one or more children under the age of eight for reward, at a private dwelling, and for more than a total of 2 hours in the same day;

“eligible child” means a child who —

- (a) is resident in the Isle of Man;
- (b) has attained the prescribed age; and
- (c) is registered with a child day care centre or a childminder;

“school year” means the year beginning at 00:01 on 1 September for one year and ends at 24:00 on 31 August the following year. ².

17 Amendment of section 44

- (1) In section 44(1) —
 - (a) for “in such manner as may be prescribed” substitute ² in the manner specified in the rules of practice and procedure set out in Schedule 12 ²; and
 - (b) for “Independent Schools Tribunal” substitute ² Education (Miscellaneous Decisions) Appeal Tribunal ².
- (2) After subsection (1B) of section 44, insert —

²(1C) Schedule 12 sets out the tribunal’s rules of practice and procedure, which may be amended by the Department of Home Affairs; provided, however, that the rules shall not be amended to reduce the fee provided for in rule 6(1)(b) below £20.

Tynwald procedure – affirmative. ².
- (3) Schedule 2 to this Act sets out the contents of the Schedule 12 to the *Education Act 2001* referred to in the amendment made to that Act by subsection (2) above.

18 Repeal of section 47 and regulations made under it

Section 47 is repealed and, for the avoidance of doubt, so too are the Independent Schools Tribunal Regulations 2004².

² SD 2004/0438

19 Amendment of references to “special educational needs”, etc.

- (1) For “special educational needs” substitute **additional educational needs** wherever it appears in —
 - (a) section 2(3)(a) and (5)(c);
 - (b) section 8(3);
 - (c) section 15(2)(a);
 - (d) the cross-heading above section 18;
 - (e) the heading of section 18;
 - (f) section 18(1), (2) and (3);
 - (g) the heading of section 19;
 - (h) section 19(1), (2), (3)(b), and (4)(a);
 - (i) section 20(1)(a);
 - (j) the definition of “**suitable education**” in section 24(3);
 - (k) section 26(4)(d);
 - (l) section 27(4) and (6)(b);
 - (m) the definition of “special school” in section 59(1);
 - (n) the heading of Schedule 4;
 - (o) paragraph 1 of Schedule 4 (twice);
 - (p) paragraph 2A(1)(a) of Schedule 4;
 - (q) paragraph 3(a) of Schedule 4;
 - (r) the cross-heading above paragraph 4 of Schedule 9.
- (2) For “special educational provision” in —
 - (a) section 18(1) and (4)(c);
 - (b) section 19(1)(a) and (b);
 - (c) section 19(2);
 - (d) section 20(1) —
 - (i) paragraph (a); and
 - (ii) paragraph (b)(i);
 - (e) section 20(2)(b); and
 - (f) paragraph 1(1)(b) of Schedule 4,
substitute **additional educational provision**.
- (3) In section 18, for “difficulty” —
 - (a) in subsection (1); and
 - (b) in both places where it appears in subsection (4),
substitute **need**.

20 Amendment of section 59

In section 59(1) —

- (a) in the defined term “**learning difficulty**”, for “**difficulty**” substitute **“need”**;
- (b) omit the definition of “**special educational needs**”;
- (c) in the definition of “**the tribunal**”, for “Independent Schools Tribunal” substitute **“Education (Miscellaneous Decisions) Appeal Tribunal”**; and
- (d) insert the following in alphabetical order —
 - “additional educational needs”** has the meaning given by section 18(1);
 - “alternative provision centre”** or “**APC**” means an institution —
 - (a) established by the Department by order under section 3A; and
 - (b) described in sections 2(5)(d) and 3A;
 - “juvenile court”** has the meaning given in Part III of the *Summary Jurisdiction Act 1989*;
 - “virtual school”** means a school established by the Department by order under section 3(1A);

21 Schedule 1 substituted

For Schedule 1 to the *Education Act 2001*, substitute the contents of Schedule 1 to this Act.

22 Amendment of Schedule 3A

In paragraph 1(b) of Schedule 3A, for “Chief Executive” substitute **“Chief Officer”**.

23 Amendment of Schedule 4

In Schedule 4 —

- (a) in paragraph 1(1)(b), for “difficulty” substitute **“need”**;
- (b) in paragraphs 1(2)(b) and 2(3)(b), for “report” substitute **“personalised learning plan”**;
- (c) in paragraph 3, omit subparagraphs (d) and (e); and
- (d) after paragraph 3, insert —
 - “** *Appeals*
 - 4. A parent aggrieved by —
 - (a) an assessment; or

(b) a decision by the Department not to make an assessment,
 may appeal to the Education (Miscellaneous Decisions) Appeal Tribunal. **22**.

24 Amendment of Schedule 8

In paragraph 5 of Schedule 8, for “General” substitute **23** Central **22**.

25 Amendment of Schedule 9

In paragraph 4 of Schedule 9, for “report” substitute **24** personalised learning plan **22**.

26 Insertion of new Schedule: Schedule 12

The contents of the Schedule to this Act are inserted as Schedule 12 to the *Education Act 2001*.

AMENDMENTS TO THE TRIBUNALS ACT 2006

27 Amendment of the Tribunals Act 2006

- (1) The *Tribunals Act 2006* is amended as follows.
- (2) In section 3(2), between “tribunal” and “shall” insert **25** (except the Education (Miscellaneous Decisions) Appeal Tribunal) **22**.

- (3) After section 3(2) insert —

25(2A) Depending on the subject matter of the appeal, the chair of the Education (Miscellaneous Decisions) Appeal Tribunal shall be as follows —

SUBJECT MATTER OF THE APPEAL		CHAIR
1.	A decision under section 15, 15A or 19 of, or Schedule 4 to, the <i>Education Act 2001</i> .	A medical practitioner* — (a) of not less than 7 years’ standing; and (b) who has paediatric or mental health experience, or both. (*As defined in the <i>National Health Service Act 2001</i> .)
2.	A complaint under Part 5 of the <i>Education Act 2001</i> .	One of the following — (a) a retired educator; (b) an educator not employed by

		<p>either —</p> <p>(i) the Department of Education, Sport and Culture; or</p> <p>(ii) an independent school (as defined in section 59(1) of the <i>Education Act 2001</i>).</p>
3.	A refusal to remove a disqualification under Part 5 of the <i>Education Act 2001</i> .	A person who the Commission is satisfied has appropriate expertise and sufficient practical experience in matters relating to building safety and adequacy.

22.

- (4) In item 3 of the list in Part 1 of Schedule 2, for “Independent Schools Tribunal” substitute **23** Education (Miscellaneous Decisions) Appeal Tribunal **22**.
- (5) Insert **24** chair **22** in place of “chairman” wherever it appears in the following provisions —
- (a) section 2(1) and (3);
 - (b) section 3(2);
 - (c) section 4(1), (2) and (3)(a);
 - (d) section 5(1)(b) and (c);
 - (e) section 5(4);
 - (f) section 5A(1)(a)(i);
 - (g) section 8(2)(i);
 - (h) section 9(b);
 - (i) section 13(2)(c) and (3)(a);
 - (j) paragraph 3(1) and (2) of Schedule 1;
 - (k) paragraph (2)(a) of the insertion into the Health and Safety at Work Order 1998³ made by Schedule 3; and
 - (l) in paragraph (1) under “6. Panels of other members of tribunals” in Schedule 3.
- (6) Insert **25** chairs **22** in place of “chairmen” in —
- (a) section 4(2); and
 - (b) in the heading “5. Panels of chairmen of tribunals” in Schedule 3, and in paragraph (1) under that heading.

³ SD 155/98

SCHEDULE 1**SUBSTITUTION OF SCHEDULE 1 TO THE EDUCATION ACT 2001**

Section 21

For Schedule 1 to the *Education Act 2001*, substitute —

☒ SCHEDULE 1**EXISTING SCHOOLS**

Section 2(6)

PART 1 – PROVIDED SCHOOLS*Primary schools*

Anagh Coar School, Douglas

Andreas School

Arbory School, Ballabeg

Ashley Hill School, Onchan

Ballacottier School, Douglas

Ballasalla School

Ballaugh School

Braddan School

Bunscoill Ghaelgagh, St John's

Bunscoill Rhumsaa, Ramsey

Cronk-Y-Berry School, Douglas

Dhoon School, Maughold

Foxdale School

Henry Bloom Noble School, Douglas

Jurby School

Kewaique School, Braddan

Laxey School

Manor Park School, Douglas

Marown School

Michael School, Kirk Michael

Onchan School

Peel Clothworkers' School
Rushen Primary School, Port St Mary
Scoill Phurt Le Moirrey, Port St Mary
Scoill Vallajeelt, Douglas
Scoill yn Jubilee, Douglas
St. John's School
Sulby School
Victoria Road School, Castletown
Willaston School, Douglas

Secondary schools

Ballakermeen High School, Douglas
Castle Rushen High School, Castletown
Queen Elizabeth II High School, Peel
Ramsey Grammar School
St Ninian's High School, Douglas

PART 2 – MAINTAINED SCHOOLS

St Mary's Roman Catholic School, Douglas
St Thomas' Church of England School, Douglas .

SCHEDULE 2**CONTENTS OF NEW SCHEDULE TO BE INSERTED INTO THE EDUCATION ACT 2001**

Section 17(3)

Insert the following text into the *Education Act 2001* as Schedule 12 —**SCHEDULE 12****EDUCATION (MISCELLANEOUS DECISIONS) APPEAL TRIBUNAL
RULES OF PRACTICE AND PROCEDURE 2025**

Sections 44(1C)

PART 1 - INTRODUCTION**1. Title**

These Rules are the Education (Miscellaneous Decisions) Appeal Tribunal Rules of Practice and Procedure 2025.

2. Interpretation

In these Rules —

“**the Act**” means the Education Act 2001;

“**the Department**” means the Department of Education, Sport and Culture;

“**the Tribunal**” means the Education (Miscellaneous Decisions) Appeal Tribunal established by section 44 of the Act.

3. Application

- (1) These Rules apply to all proceedings before the Tribunal.
- (2) Subject to these Rules, the Tribunal may regulate its own procedure.

4. Overriding objective

- (1) The overriding objective of these Rules is to enable the Tribunal to deal with cases justly.
- (2) Dealing with a case justly includes, so far as practicable —
 - (a) ensuring that the parties are on an equal footing;
 - (b) dealing with the appeal in ways which are proportionate to its importance and the complexity of the issues;
 - (c) ensuring that it is dealt with expeditiously and fairly; and

- (d) saving expense.
- (3) The Tribunal must seek to give effect to the overriding objective when interpreting, and exercising a power conferred on it by, these Rules.
- (4) The parties must assist the Tribunal to further the overriding objective.

PART 2 – STARTING AN APPEAL

5. Parties to an appeal

- (1) The appellant –
 - (a) in an appeal under section 15, 15A or 19 of the Act cannot be anyone other than the parent or guardian of the pupil to whom the proposal being appealed relates;
 - (b) in an appeal under sections 43 and 44 of the Act against a notice of complaint cannot be anyone other than the proprietor of the independent school to which the complaint relates.
- (2) In an appeal under section 46(2) of the Act against a refusal to remove a disqualification –
 - (a) where the disqualification is of a person from being the proprietor of an independent school, the appellant cannot be anyone other than the person to whom the disqualification relates;
 - (b) where the disqualification is of a person from being a teacher at –
 - (i) a school other than an independent school, the appellant cannot be anyone other than the person to whom the disqualification relates;
 - (ii) an independent school, the appellant can be either –
 - (A) the person to whom the disqualification relates; or
 - (B) the proprietor of the independent school.
- (3) In every appeal to the Tribunal the respondent cannot be anyone other than the Department.

6. Starting an appeal

- (1) An appeal is made to the Tribunal by the appellant –
 - (a) presenting to the clerk a notice of appeal in writing (which may be in the form prescribed under rule 29) within 28 days of the date on which the original decision was notified to the appellant; and
 - (b) paying to the clerk a filing fee of £50 (except where, in exercise of the chair’s discretion, the fee is remitted in response to a request by an applicant who satisfies the chair that they cannot afford the fee).
- (2) The notice must include all of the following information –

- (a) the appellant's name and address;
- (b) details of the original decision;
- (c) the grounds of the appeal (including, where appropriate, a brief summary of the facts giving rise to it);
- (d) the name and address (so far as known to the appellant) of any person, including an interested person, appearing to the appellant to have a direct interest in the outcome of the appeal.

(3) The notice must be accompanied by a copy of the document by which the original decision was notified to the appellant.

7. Initial action on receipt of notice of appeal

(1) On receiving notice of appeal (including a notice of appeal which is re-presented after being returned to the appellant under paragraph (2)), the clerk must consider what action to take under this rule.

(2) If the notice of appeal –

- (a) does not comply with rule 6(2) or (3); or
- (b) is made after the expiry of the time referred to in rule 6(1), and does not include an application to the Tribunal to extend the time for bringing the appeal (with an explanation why the appellant could not comply with the time limit),

the clerk must, not later than 10 days after receipt, return it to the appellant, indicating what information or other matters should be included in it or accompany it, and the appeal is to be treated as if it had not been made.

(3) If the appeal includes an application and explanation as mentioned in paragraph (2)(b), the clerk must, not later than 10 days after receipt, refer the appeal to the chair.

(4) If of the opinion that it is appropriate to do so, the chair may allow an appeal to be heard by the Tribunal despite the applicant's failure to file the appeal within the time limit.

8. Replying to the appeal

(1) If the respondent wishes to reply to the appeal, it must present its reply to the clerk in writing (which may be in the form prescribed under rule 29)

–

- (a) within 21 days of the date on which the respondent was sent a copy of the notice of appeal; or
- (b) within such further period as the chair considers reasonable, where on an application by the respondent the chair is satisfied –
 - (i) that it was not reasonably practicable for the reply to be presented within 21 days of that date; or
 - (ii) that for any other reason it is just and equitable to extend the time.

(2) An application under paragraph (1)(b) may be made before or at the same time as a reply is presented, and must explain why the respondent cannot or could not comply with the time limit.

(3) The reply must specify —

- (a) whether the respondent wishes to resist the appeal; and
- (b) if the respondent wishes to do so —
 - (i) whether in whole or in part; and
 - (ii) on what grounds.

(4) The grounds must include —

- (a) the facts outlining the case leading up to the appeal;
- (b) the issues which the respondent has identified as being relevant to the appeal;
- (c) details of all matters relating to the issues which have been identified;
- (d) the basis on which the respondent maintains that its decision is justified and in the best interests of, as the case may be —
 - (i) the pupil concerned;
 - (ii) all pupils of the school;
 - (iii) all pupils and staff of the school.

9. Action on receipt of reply

(1) On receiving a reply (including a reply which is re-presented after being returned to the respondent under paragraph (2), the clerk must consider what action to take under this rule.

(2) If the reply —

- (a) does not include all the information required by rule 8(3) and (4); or
- (b) is made after the time specified in rule 8(1)(a), or that time as extended under rule 8(1)(b), and no application is or has been duly made to extend the time for presenting the reply,

the clerk must, not later than 10 days after receipt, return it to the respondent, indicating (where appropriate) what information or other matters should be included in it or accompany it, and the reply must be treated as if it had not been presented.

(3) If an application is made under rule 8(1)(b), the clerk must, not later than 10 days after receipt, refer it to the chair.

(4) On a reference under paragraph (3), the chair must —

- (a) decide whether the reply should be accepted out of time without a hearing; and
- (b) inform the clerk of his or her decision or order in writing.

(5) The clerk must —

- (a) inform both the appellant and the respondent of the decision under paragraph (4)(a) that the reply should not be accepted out of time and the reasons for it; and
- (b) inform the respondent of the consequences of that decision and how it may be appealed.

(6) If —

- (a) paragraph (2) and (3) do not apply; or
- (b) the chair decides under paragraph (4)(a) that a reply should be accepted out of time;

the clerk must send a copy of the reply to all other parties and record in writing the date on which it is sent.

10. Finding for the appellant in default

- (1) If the chair rules under rule 9(4)(a) that the reply is not accepted out of time, the effect of that ruling is that the Tribunal by default finds in the appellant's favour and the decision appealed against is overturned.
- (2) The clerk must send to the respondent written confirmation of the finding by default, which must be signed by all the members of the Tribunal.

11. Documents to accompany appeal or reply

(1) The appellant must deliver with the appeal two copies of the following documentation (with copies for all other parties) —

(a) **where the appeal pertains to a decision under section 15, 15A or 19, or a decision regarding additional educational needs or an assessment under Schedule 4 to the Act:** a written indication, from a person that (the appellant contends) has appropriate expertise, of the basis for the assertion that the decision —

- (i) ought to have been different; or
- (ii) was, in the circumstances, not the best decision for the pupil's welfare;

(b) **where the appeal pertains to a decision as to the unsuitability of a person to be the proprietor of a school or a teacher at a school:** a statement from the appellant asserting that they are suitable and challenging the respondent to prove otherwise; or

(c) **where the appeal pertains to a decision as to the unsuitability of premises to be used as a school:** a written indication from a person that (the appellant contends) has appropriate expertise of the basis for the assertion that the premises are suitable for such use.

(2) The respondent must deliver with the reply written substantiation of the decision that is being appealed, including any expert report or opinion on which it relied in making the decision in question.

PART 3 – CASE MANAGEMENT**12. General power to manage proceedings**

(1) Subject to the following rules, the chair may at any time, either on the application of a party or on the chair's own initiative, make an order in relation to any matter which appears to him or her to be appropriate.

(2) An order under paragraph (1) may be —

- (a) any of those listed in paragraph (4);
- (b) subject to the requirements of rule 21, any order to which that rule applies; or
- (c) such other order as the chair thinks fit.

(3) Examples of orders which may be made under paragraph (1) are orders —

- (a) as to the manner in which the proceedings are to be conducted, including any time limit to be observed;
- (b) that a party provide additional information;
- (c) requiring the attendance of any person in the Island either to give evidence or to produce documents or information;
- (d) extending any time limit, whether or not expired (subject to rule 8(1));
- (e) requiring the provision of written answers to questions put by the Tribunal;
- (f) adjourn the proceedings so that the parties may seek to resolve the dispute by conciliation;
- (g) staying the whole or part of any proceedings;
- (h) that part of the proceedings be dealt with separately;
- (i) postponing or adjourning any hearing;
- (j) varying or revoking other orders;
- (k) giving notice to the parties of a hearing;
- (l) giving notice under rule 21;
- (m) giving leave to amend an appeal to reply;
- (n) that a witness statement or report be prepared or exchanged;
- (o) that a party provide copies of documents for the use of the Tribunal;
- (p) as to the use of experts or interpreters in the proceedings; or
- (q) that a party make payments in respect of the costs incurred by another party.

(4) An order —

- (a) may specify the time at or within which and the place at which any act is required to be done;
- (b) may impose conditions; and
- (c) must inform the parties of the potential consequences of non-compliance set out in rule 13.

(6) An order described in paragraph (3)(c) which requires a person to produce, or to allow a party to inspect, a document contained in a computer may require that person to produce it in a visible and legible form which may be taken away.

(8) An order described in paragraph (3)(g) may be made only if all relevant parties have given notice that such an order may be made and an opportunity to make oral or written representations as to why such an order should or should not be made.

13. Compliance with orders

(1) If a party does not comply with an order made under these Rules, the Tribunal may —

- (a) make a costs order under rule 25; or
- (b) (subject to paragraph (2) and rule 21) at a hearing make an order to strike out the whole or part of the appeal or, as the case may be, the reply.

(2) An order may also provide that unless the order is complied with, the appeal or the reply, as the case may be, must be struck out on the date of non-compliance without further consideration of the proceedings or the need to give notice under rule 21 or hold a hearing.

14. Right to withdraw appeal

(1) An appellant may withdraw all or part of the appeal at any time, either orally at a hearing or in writing in accordance with paragraph (2).

(2) To withdraw an appeal or part of an appeal in writing the appellant must inform the clerk of the appeal or the parts of it which are to be withdrawn.

(3) The clerk must, as soon as reasonably practicable, inform all other parties of the withdrawal.

(4) The withdrawal of an appeal takes effect on the date on which the clerk (in the case of written notifications) or the Tribunal (in the case of oral notification) receives notice of it; and where the whole appeal is withdrawn proceedings are brought to an end on that date and will be treated as dismissed.

(5) The withdrawal of an appeal and the dismissal of proceedings do not preclude the making of orders as to costs.

(6) If an appeal is withdrawn and the proceedings are dismissed, those proceedings cannot be continued by the appellant.

PART 4 – HEARINGS

15. Hearing – general

(1) The Tribunal must make such enquiries of persons appearing before them and of witnesses as they consider appropriate and must otherwise conduct the hearing in such manner as appears to Tribunal most appropriate for the clarification of the issues and generally for the just handling of the proceedings.

(2) Unless the parties agree to shorter notice, the clerk must –

- (a) send a notice of any hearing to all the parties not less than 21 days before the date fixed for the hearing; and
- (b) inform the parties that they have the opportunity to submit written representations and to advance oral argument.

(3) If a party wishes to submit written representations for consideration at a hearing the party must present them to the clerk not less than 14 days before the hearing and at the same time send a copy to all other parties.

(4) The Tribunal may, if it appears in the interests of justice to do so, consider representations in writing which have been submitted otherwise than in accordance with paragraph (3).

(5) The Tribunal must require parties and witnesses who attend a hearing to give their evidence on oath or affirmation; and oaths and affirmations are to be administered by the chair.

(6) The Tribunal may exclude from the hearing any person who is to appear as a witness in the proceedings until such time as that person gives evidence if it considers it in the interests of justice to do so.

(7) Subject to paragraph (8), the Tribunal may hold a hearing and receive evidence by telephone or video link or by using any other method of direct oral communication.

(8) If a hearing –

- (a) is required by these Rules to be held in public; and
- (b) is conducted in accordance with paragraph (7).

(9) If a notice or order results in the proceedings being struck out or dismissed or otherwise decided, no hearing need be held in those proceedings.

16. Representation

A party may be represented at a hearing –

- (a) by an advocate;
- (b) in the case of a public authority or body corporate, by an officer of the authority or body corporate; or

(c) with the permission of the Tribunal, by any other person.

17. Public and private hearings

- (1) Subject to paragraph (2), a hearing must take place in public.
- (2) A full hearing, or part of a hearing, may be conducted in private —
 - (a) for the purpose of hearing from any person (“A”) evidence or representations which in the opinion of the Tribunal is likely to consist of information —
 - (i) which A could not disclose without contravening a prohibition imposed by or by virtue of any statutory provision; or
 - (ii) which has been communicated to A in confidence, or which A has otherwise obtained in consequence of the confidence placed in him or her by another person; or
 - (b) where the Tribunal considers it appropriate in the interests of justice.
- (3) If the Tribunal decides to hold a hearing or part of one in private under paragraph (2), it must give reasons for doing so.

18. Conduct of a hearing

- (1) A hearing is a hearing for the purpose of determining outstanding procedural or substantive issues or disposing of the proceedings, and must be conducted by the Tribunal.
- (2) In any proceedings there may be more than one hearing.
- (3) The chair must fix the date, time and place of a hearing and the clerk must send to each party a notice of the hearing together with information and guidance as to the procedure at the hearing.
- (4) Subject to rule 15(1), at a hearing a party is entitled to give evidence, to call witnesses, to question witnesses and to address the Tribunal.
- (5) If a party fails to attend or to be represented (for the purpose of conducting the party’s case at the hearing) at the time and place fixed for the hearing, the Tribunal may —
 - (c) dismiss or dispose of the proceedings in the absence of that party; or
 - (d) adjourn the hearing to a later date.
- (6) If the Tribunal wishes to dismiss or dispose of proceedings in the circumstances described in paragraph (5), it must first consider any information in its possession which has been made available to it by the parties.
- (7) At a hearing the Tribunal may exercise any powers which may be exercised by the chair under these Rules.

19. Expert evidence

- (1) It is the duty of an expert witness to assist the Tribunal on matters within that witness's expertise and this duty overrides an obligation to the person from whom the expert has received instructions or by whom the expert is paid.
- (2) No party may call more than two expert witnesses (who must not be from the same discipline) without the permission of the chair.
- (3) Expert evidence is to be given in a written report unless the chair orders otherwise.
- (4) A written report of an expert witness must include —
 - (a) a statement that the expert understands the duty in paragraph (1) and has complied with it;
 - (b) a statement signed by the expert that the expert believes that the facts stated in the report are true;
 - (c) details of the expert's qualification and experience;
 - (d) a statement of the substance of all material instructions whether written or oral on the basis of which the report was written;
 - (e) details of any literature or any other material on which the expert has relied in producing the report;
 - (f) where there is a range of opinion on the matter dealt with in the report —
 - (i) a summary of the range of opinion; and
 - (ii) the reason for the expert's own opinion; and
 - (g) a summary of the conclusion reached in the report.
- (5) No expert witness may give oral evidence unless the expert has provided a written report which has been previously delivered to all parties unless the chair otherwise directs.
- (6) Every expert must attend the oral hearing cross-examination unless the chair otherwise directs.

PART 5 – DECISIONS

20. Decisions and orders

- (1) Any decision or order (whether made orally or in writing) must be recorded in writing and signed by the chair.
- (2) At the end of a hearing the Tribunal must either make any decision or order orally or reserve the decision or order to be given in writing at a later date.
- (3) The clerk must send the written decision to the parties as soon as practicable, and include guidance on how it may be appealed.

- (4) The clerk must inform all parties to the proceedings of any order as soon as reasonably practicable after it is made.
- (5) If the parties agree in writing upon the terms of any decision or order, the Tribunal may, if it thinks fit, make the order or decision.
- (6) Any decision or order of the Tribunal must be made by a majority.

21. Restrictions as to certain decisions and orders

- (1) This rule applies to a decision or order —
 - (a) as to the entitlement of any party to bring or contest particular proceedings;
 - (b) striking out or amending all or part of any appeal to reply on the ground that it has no reasonable prospect of success;
 - (c) striking out an appeal which has not been actively pursued;
 - (d) striking out an appeal or reply (or part of one) for non-compliance with an order.
- (2) Subject to paragraph (3), before the Tribunal makes a decision or order to which this rule applies, the clerk must immediately send notice to —
 - (a) the party against whom it is proposed that the order or decision should be made; and
 - (b) if another party has made an application for the order or decision, that party,informing the recipient of the notice of the order or decision to be considered and giving the recipient the opportunity to give reasons why the order or decision should, or should not, be made.
- (3) Paragraph (2) does not —
 - (a) apply to an order described in rule 13(2); or
 - (b) require the clerk to send such a notice to a party, if that party has been given an opportunity to give reasons orally to the Tribunal as to why the order should not, or should, be made.
- (4) If a notice required by paragraph (2) —
 - (a) is sent in relation to an order to strike out an appeal which has not been actively pursued; and
 - (b) has been sent to the address specified in the notice of appeal, or in a subsequent notice under rule 28(5), as the specified address to which notices are to be sent,the notice is to be treated as received by the addressee unless the contrary is proved.
- (5) A decision or order to which this rule applies may not be made except at a hearing, if one of the parties has so requested.

If no such request has been made, such a decision or order may be made in the absence of the parties.

(6) An appeal or reply or any part of one may be struck out under these Rules only on grounds stated in paragraph (1)(b) to (d).

(7) Nothing in this rule prevents the chair from deciding under rule 7 or 9 that an appeal or reply should not be accepted.

22. Reasons

(1) The Tribunal must give reasons (either oral or written) for —

- (a) any decision;
- (b) any order relating to a matter within rule 21(1); and
- (c) a costs order or a wasted costs order.

(2) Reasons may be given orally at the time of making the decision or order, but must in any case be given in writing at that time or as soon as reasonably practicable.

(3) Written reasons must be signed by the all the members of the Tribunal and sent to all parties as soon as reasonably practicable by the clerk, who must record the date on which the reasons were sent.

(4) Written reasons for a decision must include the following information —

- (a) the issues which the Tribunal has identified as being relevant to the appeal;
- (b) if some identified issues were not decided, what those issues were and why they were not decided;
- (c) findings of fact relevant to the issues which have been decided;
- (d) the rationale the way the issues have been decided, including the facts and related considerations that most heavily influenced the decision.

23. The register

(1) The clerk must maintain a register that is to be open for inspection by any person without charge at all reasonable hours.

(2) The register, or any part of it, may be kept by means of a computer.

(3) Subject to paragraph (4), the clerk must enter in the register —

(a) the following particulars of every appeal presented to the Tribunal —

- (i) the case number;
- (ii) the date the appeal was presented;
- (iii) the name and address of the appellant;
- (iv) the subject-matter of the appeal;

(b) a copy of each of the following documents —

- (i) any decision;
- (ii) any order to which rule 21(1) applies; and

(iii) the written reasons provided in accordance with rule 22 in relation to a decision or order.

(4) Written reasons for a decision must be omitted from the register in any case in which evidence has been heard in private and the Tribunal so orders; and in such a case —

- (a) the clerk must send the reasons to each of the parties; and
- (b) if there are proceedings before the High Court relating to the decision or order in question, the clerk must send the reasons to the court, together with a copy of the entry in the register of the decision or order to which the reasons relate.

24. Correction of orders, etc.

(1) Clerical mistakes in any order, decision or reasons, or errors arising in those documents from an accidental slip or omission, may at any time be corrected by certificate by the chair.

(2) If a document is corrected by certificate under paragraph (1), or if an order, decision or record of reasons is altered in any way by order of the High Court, the clerk must alter any entry in the register which is so affected to conform with the certificate or order and send a copy of any entry so altered to each of the parties.

(3) If a document omitted from the register under rule 23(4) is corrected by certificate under this rule, the clerk must send a copy of the corrected document to the parties; and if there are proceedings before the High Court relating to the order, decision or record of reasons in question, the clerk must also send a copy to the court together with a copy of the entry in a register of the order, decision or record of reasons, if it has been altered under this rule.

PART 6 – COSTS

25. Costs

(1) In this rule —

“**paying party**” means the party by whom a payment under a costs order is to be made;

“**receiving party**” means the party in respect of whose costs the payment is to be made.

(2) The Tribunal must not make a costs order in any proceedings unless any provision of paragraphs (3) to (6) applies.

(3) The Tribunal may make a costs order if in his or her or its opinion —

- (a) in bringing the proceedings, that party; or
- (b) in conducting the proceedings, that party or that party’s representative,

- has acted vexatiously, abusively, disruptively or otherwise unreasonably.
- (4) The Tribunal may make a costs order —
- (a) where the Tribunal has postponed the day or time fixed for or adjourned a full hearing or preliminary hearing; or
 - (b) against a party who has not complied with an order.
- (5) A costs order may be made against or in favour of a respondent who has not had a reply accepted in the proceedings, in relation to the conduct of any part which the respondent has taken in the proceedings.
- (6) The Tribunal may make a costs order against the appellant who has withdrawn his or her appeal in respect of the costs which the respondent has incurred on or before the date on which the respondent was informed of the withdrawal.
- This is subject to paragraph (7).
- (7) If an appeal is withdrawn only in part, an order under paragraph (6) may be made only in respect of costs relating to that part of the appeal.
- (8) An application by a party for a costs order may be made at any time during proceedings, and may be made —
- (a) orally during or at the end of a hearing; or
 - (b) in writing to the clerk.
- (9) An application for costs which is received by the clerk later than 21 days from the issuing of the decision determining the appeal must not be accepted or considered by the Tribunal unless he or she or it considers that it is in the interests of justice to do so.
- For the purpose of this paragraph the date of issuing of the decision determining the appeal is either —
- (a) the date of the full hearing, if the decision was made orally; or
 - (b) if the decision was reserved, the date on which the written decision was sent to the parties.
- (10) No costs order may be made unless —
- (a) the clerk has sent notice to the party against whom the order may be made giving the party the opportunity to give reasons why the order should not be made; or
 - (b) that party has been given an opportunity to give reasons orally to the Tribunal as to why the order should not be made.
- (11) The amount of a costs order against the paying party is to be decided in any of the following ways —
- (a) the Tribunal may specify the sum which the paying party must pay to the receiving party;
 - (b) the parties may agree on a sum to be paid by the paying party to the receiving party, and if they do so the costs order is to be for the sum so agreed;

(c) the Tribunal may order the paying party to pay the receiving party the whole or a specified part of the costs of the receiving party with the amount to be paid being decided by way of assessment in the High Court in accordance with rules of court.

(12) The Tribunal must have regard to the paying party's ability to pay when considering whether to make a costs order or how much should be paid.

(13) Any sum due under a costs order is to be payable by the paying party and not by his or her representative.

26. Personal liability of representatives for costs

(1) The Tribunal may make a wasted costs order against a party's representative.

(2) In a wasted costs order the Tribunal may disallow, or order the representative of a party to meet, the whole or part of any wasted costs of any party, including an order that the representative repay to his or her client any costs which have already been paid.

(3) "Wasted costs" means any costs incurred by a party —

(a) as a result of any improper, unreasonable or negligent act or omission on the part of any representative; or

(b) which, in the light of any circumstances occurring since they were incurred, the Tribunal considers it unreasonable to expect that party to pay.

(4) In this rule "representative" means a party's advocate or other representative or any employee of the representative, but it does not include —

(a) a representative who is not acting in pursuit of profits with regard to those proceedings; or

(b) a representative who is an employee of a party.

For the purposes of paragraph (b), an employee of a party includes an individual employed by the Public Service Commission in respect of whom the party is the stationed employer as defined in section 3(1) of the Public Services Commission Act 2015.

(5) A wasted costs order may be made in favour of a party whether or not that party is legally represented and such an order may also be made in favour of a representative's own client.

(6) Before making a wasted costs order, the Tribunal must give the representative a reasonable opportunity to make oral or written representations as to reasons why such an order should not be made.

(7) The Tribunal must have regard to the representative's ability to pay when considering whether to make a wasted costs order or how much that order should be.

(8) Where the Tribunal makes a wasted costs order, he or she or it must specify in the order the amount to be disallowed or paid.

(9) The clerk must, as soon as reasonably practicable, inform the representative's client in writing —

- (a) of any proceedings under this rule; or
- (b) or any order made under this rule against the party's representative.

PART 7 – SUPPLEMENTAL

27. Power to rectify error in procedure

(1) If there has been an error in procedure such as a failure to comply with a provision of these Rules —

- (a) the error does not invalidate any step taken in the proceedings unless the Tribunal so orders; and
- (b) the Tribunal may make an order to remedy the error.

(2) The Tribunal may only allow an application to set aside any such step for an error of procedure —

- (a) if it is made within a reasonable time; or
- (b) if the applicant has not taken a step after knowledge of the error.

(3) The application must specify the error of procedure to which the application relates.

28. Notices, etc.

(1) Any notice given or document sent under these Rules must (unless the Tribunal orders otherwise) be in writing and may be given or sent —

- (a) by post;
- (b) by fax or other means or electronic communication if such addresses are provided as a means of communication by the party or person in question; or
- (c) by personal delivery.

(2) If a notice or document has been given or sent in accordance with paragraph (1), that notice or document is to be taken, unless the contrary is proved, to have been received by the party to whom it is addressed —

(3) All notices and documents required or authorised by these Rules to be sent or given to any person listed below may be sent to or delivered as follows —

Person	Address
The clerk	The office of the Tribunal
A party	(a) the address specified in the appeal or reply to which

	<p>notices and documents are to be sent, or in a notice under paragraph (5); or</p> <p>(b) if not such address has been specified, or if a notice sent to such address has been returned –</p> <p>(i) any other known address or place or business of the party in the Island or the United Kingdom, or</p> <p>(ii) if the party is a corporate body, its registered or principal office in the Island or the United Kingdom,</p> <p>(iii) in any case, such address or place outside the Island or United Kingdom as the chair may allow.</p>
Any other person	That person's address or place of business in the Island or the United Kingdom or, if it is a corporate body or public authority, its registered or principal office in the Island or the United Kingdom.

(4) A notice or document sent or given to the authorised representative of a party must be taken to have been sent or given to that party.

(5) A party may at any time by notice to the clerk and the other party or parties change the address to which notices and documents are to be sent or transmitted.

(6) The chair may order that there must be substituted service in such manner as he or she may think fit in any case he or she considers appropriate.

29. Power to prescribe forms

(1) The chair may prescribe forms for use –

(a) by appellants for the purpose of making an appeal;

(b) by respondents for the purpose of replying to an appeal,

and such other forms as may be expedient for use in proceedings in the Tribunal.

(2) The clerk must publish the forms prescribed under paragraph (1) in such manner as the clerk considers appropriate in order to bring them to the attention of potential appellants and respondents and their advisers.

30. Calculation of time limits

(1) Any period of time for doing any act required or permitted to be done under any of these Rules, or under any order or decision of the Tribunal, is to be calculated in accordance with paragraphs (2) to (6).

- (2) If any act must or may be done within a certain number of days of or from an event, the day on which that event occurs is not to be included in the calculation.
- (3) If any act must or may be done not less than a certain number of days before or after an event, the day on which that event occurs is not to be included in the calculation.
- (4) If the Tribunal gives any order or decision which imposes a time limit for doing any act, the last date for compliance must, wherever practicable, be expressed as a calendar date.
- (5) In rule 15(3) the requirement to send notice of a hearing to the parties not less than 21 days before the date fixed for the hearing must be construed as a requirement for service of the notice to have been effected not less than 21 days before the hearing date, but as a requirement for the notice to have been placed in the post not less than 21 days before that date.
- (6) If any act must or may have been done within a certain number of days of a document being sent to a person by the clerk, the date when the document was sent is to be regarded, unless the contrary is proved, to be the date on the letter from the clerk which accompanied the document. **22**.