



STATUTORY INSTRUMENTS.

**S.I. No. 503 of 2014**



QUALIFICATIONS AND QUALITY ASSURANCE (EDUCATION AND  
TRAINING) ACT 2012 (APPEALS) REGULATIONS 2014

QUALIFICATIONS AND QUALITY ASSURANCE (EDUCATION AND TRAINING) ACT 2012 (APPEALS) REGULATIONS 2014

I, JAN O’SULLIVAN, Minister for Education and Skills, in exercise of the powers conferred on me by sections 3 and 70 of the Qualifications and Quality Assurance (Education and Training) Act 2012 (No. 28 of 2012), hereby make the following regulations:

*Citation and commencement*

1. (1) These Regulations may be cited as the Qualifications and Quality Assurance (Education and Training) Act 2012 (Appeals) Regulations 2014.

(2) These Regulations come into operation on 8 November 2014.

*Definitions*

2. In these Regulations—

“Act” means the Qualifications and Quality Assurance (Education and Training) Act 2012;

“Authority” means the Qualifications and Quality Assurance Authority of Ireland;

“appeal” means an appeal under section 31, 36, 45, 47, 53, 55, 59, 61 or 63 of the Act;

“appellant” means a provider or relevant provider, as the case may be, referred to in section 31, 36, 45, 47, 53, 55, 59, 61 or 63 of the Act who may bring an appeal in relation to a decision of the Authority;

*Time for making an appeal*

3. (1) Subject to paragraph (2), an appeal shall be lodged with the Appeals Panel not later than 30 days from the date of notification of the decision of the Authority to which the appeal relates.

(2) The chairperson of the Appeals Panel appointed under subsection (4) of section 68 of the Act may extend the time limit for lodging an appeal where he or she is satisfied that the appellant has given reasonable cause to so extend.

*Notice of appeal*

4. A notice of appeal shall—

(a) be in writing,

(b) state the name and address of the appellant,

*Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 7th November, 2014.*

(c) be accompanied by—

- (i) a copy of the decision of the Authority to which the appeal relates,
- (ii) a statement of the grounds of appeal and the facts and contentions upon which the appellant intends to rely, and
- (iii) such other documents as the appellant wishes to submit in support of the appeal.

*Receipt of notice of appeal*

5. The Appeals Panel shall notify the appellant in writing of receipt by it of the appeal.

*Service of appeal on Authority*

6. An Appeals Board appointed to determine an appeal shall, as soon as practicable after its appointment under subsection (3) of section 69 of the Act—

- (a) send a copy of the appeal and accompanying documents referred to in paragraph (c) of Regulation 4 to the Authority, and
- (b) invite the Authority to make submissions in writing in relation to the appeal to the Board within such time as it may specify in the invitation.

*Submissions by Authority*

7. (1) The Authority may make submissions in writing to the Appeals Board in relation to an appeal within—

- (a) the period specified in the invitation referred to in paragraph (b) of Regulation 6, or
- (b) such other period as may be agreed between the Authority and the Board.

(2) The Appeals Board shall—

- (a) furnish a copy of any submissions made to it under paragraph (1) to the appellant as soon as practicable after the submissions are received by the Board, and
- (b) invite the appellant to reply in writing to those submissions within such time as it may specify in the invitation.

*Reply by appellant to submissions*

8. (1) An appellant may, within the period specified by the Appeals Board under subparagraph (b) of paragraph (2) of Regulation 7, or such other period as may be agreed between the appellant and the Board, reply in writing to the Authority's submissions.

(2) The Appeals Board shall furnish a copy of any reply submitted to it under paragraph (1) to the Authority as soon as practicable after the reply is received by the Board.

*Person concerned*

9. An Appeals Board shall furnish a copy of the notice of appeal to any other person it considers to be concerned in the matter which is the subject of the appeal.

*Further information*

10. (1) An Appeals Board may, for the purposes of determining an appeal, at any time request the appellant, the Authority or any other person appearing to the Board to be concerned to furnish to the Board—

(a) further particulars regarding the appeal, or

(b) any documentation that it considers relevant to the appeal.

(2) The Appeals Board shall, where it makes a request under paragraph (1), specify the period within which the particulars or documentation requested, as the case may be, shall be furnished.

(3) An appellant, the Authority or any other person referred to in paragraph (1) shall furnish the particulars or documentation referred to in that paragraph within the period specified under paragraph (2) or such other period as may be agreed with the Appeals Board.

*Determination without oral hearing*

11. Where an Appeals Board considers that a notice of appeal is of such a nature that it can properly be determined without an oral hearing, the Board may determine the appeal without such a hearing.

*Oral hearing*

12. (1) The Appeals Panel shall determine the procedures for an oral hearing by an Appeals Board.

(2) An Appeals Board shall comply with the procedures for an oral hearing determined by the Appeals Panel under paragraph (1).

(3) Where in the opinion of an Appeals Board, an oral hearing is required to determine an appeal, the Board shall, as soon as may be, fix a date and place for the hearing and give reasonable notice of the hearing to the appellant, the Authority and any other person appearing to the Board to be concerned in the matter the subject of the appeal.

(4) An appellant, the Authority and a person appearing to an Appeals Board to be concerned in the matter the subject of an oral hearing, may attend the hearing.

(5) An Appeals Board may examine the appellant, the Authority and a person appearing to the Board to be concerned in the matter the subject of the oral hearing.

(6) The Appeals Board may determine an appeal notwithstanding the failure of one or more of the parties to the appeal to—

- (a) attend the oral hearing, or
- (b) comply with these Regulations.

*Withdrawal of appeal*

13. (1) An appellant who makes an appeal under Regulation 3 may withdraw the appeal by notice in writing to the Appeals Panel.

(2) The Appeals Panel shall notify the Authority of the withdrawal of an appeal under paragraph (1) as soon as practicable after receipt of the notice under that paragraph.

*Determination of appeal*

14. An Appeals Board shall make its determination of an appeal—

- (a) where there is no oral hearing, within 45 days of the later of—
  - (i) where no submissions are made by the Authority under Regulation 7, the day following the last day of the time specified in the invitation under paragraph (b) of Regulation 6,
  - (ii) where no reply is made by the appellant under paragraph (1) of Regulation 8, the day following the last day of the time specified under subparagraph (b) of paragraph (2) of Regulation 7 for submissions,
  - (iii) either—
    - (I) the date of receipt by the Appeals Board of a reply from the appellant under paragraph (1) of Regulation 8, or
    - (II) where no reply referred to in clause (I) is received, the day following the last day of the time specified or agreed, as the case may be, under paragraph (1) of Regulation 8,
  - (iv) either—
    - (I) the date of receipt by the Appeals Board of the last particulars or documentation requested by an Appeals Board under Regulation 10, or
    - (II) where no particulars or documentation referred to in clause (I) are furnished, the day following the last day of the time specified or agreed, as the case may be, under paragraph (3) of Regulation 10.

or

- (b) where there is an oral hearing, within 30 days of the completion of that hearing.



GIVEN under my Official Seal,  
3 November 2014.

JAN O'SULLIVAN,  
Minister for Education and Skills.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ó  
FOILSEACHÁIN RIALTAIS,  
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2  
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)  
nó trí aon díoltóir leabhar.

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