



Health and Social Care Act 2008

2008 CHAPTER 14

PART 1

THE CARE QUALITY COMMISSION

CHAPTER 2

REGISTRATION IN RESPECT OF PROVISION OF HEALTH OR SOCIAL CARE

Registration procedure

32 Appeals to the Tribunal

- (1) An appeal against—
 - (a) any decision of the Commission under this Chapter, other than a decision to give a warning notice under section 29, or
 - (b) an order made by a justice of the peace under section 30, lies to the Tribunal.
- (2) No appeal against a decision or order may be brought by a person more than 28 days after service on the person of notice of the decision or order.
- (3) On an appeal against a decision of the Commission, other than a decision to which a notice under section 31 relates, the Tribunal may confirm the decision or direct that it is not to have effect.
- (4) On an appeal against an order made by a justice of the peace the Tribunal may confirm the order or direct that it is to cease to have effect.
- (5) On an appeal against a decision to which a notice under section 31 relates, the Tribunal may confirm the decision or direct that it is to cease to have effect.
- (6) On an appeal against a decision or order, the Tribunal also has power—

Status: This is the original version (as it was originally enacted).

- (a) to vary any discretionary condition for the time being in force in respect of the regulated activity to which the appeal relates,
- (b) to direct that any such discretionary condition is to cease to have effect,
- (c) to direct that any such discretionary condition as the Tribunal thinks fit shall have effect in respect of the regulated activity, or
- (d) to vary the period of any suspension.

(7) In this section—

“discretionary condition”, in relation to registration under this Chapter, means any condition other than a registered manager condition required by section 13(1);

“the Tribunal” means the tribunal established by section 9 of the Protection of Children Act 1999 (c. 14).