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STATUTORY INSTRUMENTS

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**2000 No. 2619**

**Protection of Children Act Tribunal Regulations 2000**

**PART III**

*Case management*

**Costs warnings and deposits**

**13.**—(1) If the President believes that a party has no reasonable prospect of success in his case, or on any issue—

- (a) he may warn him (a “costs warning”) that if he continues to take part in the proceedings, or, as the case may be, to continue to dispute that issue, a costs order may be made against him; and
- (b) he may, in addition, order him to pay a deposit of a sum not exceeding £150 as a condition of being permitted to continue to take part in the proceedings, or, as the case may be, to continue to dispute that issue.

(2) The President may not order the applicant to pay a deposit unless he has considered whether he is able to comply with such an order, and has considered any relevant written information he has provided.

(3) If he has given a costs warning, the President must not allow the case to continue or, as the case may be, the issue to continue to be disputed, unless the warned party—

- (a) has written to the Secretary saying that despite the warning, he wishes to continue with the case, or to dispute the issue, and
- (b) has paid any deposit which he has been ordered to pay.

**Unless orders**

**14.**—(1) The President may at any time make an order to the effect that, unless the party to whom the order is addressed takes a step specified in the order within a period specified in the order, the application may be determined in favour of the other party.

(2) The Secretary shall give written notification of the order to the party to whom it is addressed and shall inform him of the effect of paragraph (3).

(3) If a party fails to comply with an order addressed to him under this regulation, the President may determine the case in favour of the other party.

**Appointment of Tribunal**

**15.**—(1) The President shall nominate a chairman (who may be himself) and two members of the lay panel to determine the application.

(2) The President may at any time before the hearing (or, if there will be no hearing, before the application is determined) nominate from the appropriate panel another person in substitution for the chairman or other member previously nominated.

### **Fixing and notification of hearing**

16.—(1) The Secretary must fix a date for a hearing to determine the application unless the applicant has requested in writing that his application be determined without a hearing.

(2) The Secretary must notify the parties in writing informing them of the time and place of the hearing no less than 15 working days before the date fixed for the hearing.

(3) The Secretary may alter the time and place of the hearing—

- (a) where both the applicant and the respondent agree, or
- (b) in any other case, provided that the altered date for the hearing is not earlier than the original date,

but if she does she must without delay inform the parties in writing of the alteration.

(4) If the Tribunal adjourns the hearing, then—

- (a) if the time and place of the resumed hearing were announced by the chairman before the adjournment, no further notice to the parties is required, but
- (b) otherwise, the Secretary must without delay inform the parties in writing of the time and place of the resumed hearing.